
CITY OF PHILADELPHIA
POLICE ADVISORY COMMISSION
PPD POLICY TRANSLATION FOR PUBLIC REVIEW



Title: The SWAT Unit and Warrant Service	Type of Report: <input checked="" type="checkbox"/> Final <input type="checkbox"/> Supplemental
Type of Report: Policy and practice explainer	PAC File Number: 18-11

Special Weapons and Tactics Units, commonly referred to as SWAT units, are elite units within municipal police departments around the country that are equipped with specialized tools, weapons, and training to handle extreme law enforcement situations such as hostage situations, riots, mass shooter events and other emergencies. While SWAT units are trained for these rare events, a 2014 report by the ACLU noted that they are most frequently used to assist with warrant service¹. According to the Philadelphia Police Department (PPD) SWAT Unit Service Reports provided to the Police Advisory Commission (PAC) by the PPD, between August 2017 and August 2018, 82% of SWAT deployments were for search warrants and arrest warrants while 18% were for barricade situations, building searches, or other non-warrant circumstances. Philadelphia residents are therefore most likely to encounter SWAT unit officers during warrant service.

In recent months, the PAC has received comments and questions from Philadelphia residents who experienced warrant service situations, particularly those that involved SWAT officers. Often, these residents did not understand why SWAT officers were at their home or why a warrant existed in the first place. Further, this is a topic of broader concern as well, as the national debate about how and when police departments should use SWAT units is ongoing. Some say that the powerful weapons and tactics used by SWAT units are an example of the militarization of police, particularly in urban environments. On the other hand, these weapons and tactics are sometimes necessary for the protection of human life.

In response to the questions asked by Philadelphia residents, this document explains what a warrant is, sheds some light on how PPD detectives investigate crimes and how they use warrants, and explains how the PPD SWAT unit fits in. It is the PAC's hope that this information can help demystify some aspects of the criminal justice system in Philadelphia and aid residents in forming their own opinions about this particular piece of policing.

What Is A Warrant?

In order to understand how and why SWAT officers serve warrants, it is important to understand what a warrant is. A warrant is a court order issued by a judge or magistrate that allows a law enforcement entity permission to engage in an action that they would not otherwise be legally permitted to do. The Fourth Amendment to the United States Constitution protects residents from unlawful search and seizure. Although there are important exceptions that apply in certain situations,² the Fourth Amendment broadly requires that officers obtain a search warrant issued by a judge in order to enter and search private property. Similarly, police officers must have a valid arrest warrant or other probable cause in order to

¹ <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rell1.pdf>

² <https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does-0>

arrest an individual. There are many different types of warrants used in different situations by law enforcement agencies. The two types of warrants most used by PPD detectives are search warrants and arrest warrants.³ This policy and practice explainer discusses both types of warrants but speaks mostly to how search warrants are obtained and served by the PPD.

What Information Does a Detective Use to Get a Warrant?

When a detective receives a new case, they investigate the crime by taking statements from witnesses, reviewing surveillance footage, developing leads from the crime scene, or employing any other investigative step. In doing this investigation, the detective is attempting to develop enough information to connect a person as a suspect in the crime. If a detective reviews surveillance footage and sees a person wearing yellow shorts and green sneakers while they commit an armed robbery, and their investigation leads them to believe that Person X may have committed the robbery, the detective can request a search warrant for those yellow shorts and green sneakers at a known address for Person X. The detective can determine that known address by searching police databases, probation records, other city records such as property and utility records, online public records databases, and other sources.

In order to obtain a search warrant, the detective must write out their reasoning to explain why they have probable cause to believe that the items being searched for are likely to be found at a specific address. PPD Directive 5.7 – Search Warrants notes that probable cause is the existence of facts and circumstances that would justify a person of reasonable caution to believe: 1) that an offense has been or is being committed; 2) that the particular person or item to be seized is reasonably connected to the crime; and 3) that the person can be found at a particular place or the item can be found in the possession of a particular person or at a particular place. If the suspect’s residence has multiple apartments, the detective must list a specific apartment and any resulting warrant will permit entry only to that specific apartment.

Who Checks the Detective’s Work to Make Sure A Warrant is Legally Sufficient or Appropriate?

For a search warrant, the detective includes the information they have developed regarding their probable cause on a document called an affidavit, which they fax to the Charging Unit at the District Attorney’s Office. The Charging Unit is a 24-hour unit staffed by three permanent supervisors and rotation of assistant district attorneys. A supervisor or ADA at the charging unit reviews only the information on the affidavit to determine if the detective has the required probable cause to enter the listed address and search for the items. If they do not feel the detective has provided enough information to establish probable cause, they decline the search warrant and return it to the detective. If they believe the detective has sufficiently established probable cause, they approve and sign the affidavit. The Charging Unit does not advise the detective on whether an investigative strategy other than a search warrant could be used, and they do not advise a detective on how to serve a warrant. They only tell the detective if they have met the legal threshold for a search warrant.

After the Charging Unit signs off, the detective must go before an Arraignment Court Magistrate (ACM) at Philadelphia Municipal Court and swear to the contents of the affidavit. The ACM acts as a detached neutral authority to independently determine the existence of probable cause⁴. If the ACM approves, they issue the actual search warrant and the detective then must serve the warrant at the specified address within 48 hours of the approval or else request a new search warrant.

The process for arrest warrants is similar in many ways but differs in that the Charging Unit and the detective correspond through a case management system called PIIN (Police Integrated Information Network) throughout the investigation that leads up to an arrest warrant. A detective can upload documents and information to PIIN, and an ADA can review the case as it progresses and offer

³ The PPD Directives pertaining to search and arrest warrants can be found on the PPD website: https://www.phillypolice.com/assets/directives/D5.7-SearchWarrants.pdf#_ga=2.54817579.1094852132.1563467511-1451743973.1562083623 and https://www.phillypolice.com/assets/directives/D5.22-ArrestWarrants.pdf#_ga=2.54817579.1094852132.1563467511-1451743973.1562083623

⁴ <https://www.courts.phila.gov/pdf/rules/MC-Criminal-Division-Compiled-Rules.pdf>

suggestions for additional steps to take in order to strengthen the case. Information or evidence obtained from a search warrant would be included in PIIN, along with any other documents or evidence produced by the investigation. When the detective believes they have probable cause to arrest a suspect in connection with a crime, they complete an affidavit in the same way they would for a search warrant. The ADA can approve an arrest warrant within PIIN, and then the detective would need to appear before a judge to have the warrant issued. Arrest warrants are not subject to the 48-hour deadline for warrant service.

How Does A Detective Serve A Warrant?

Unless the detective notes special circumstances that require nighttime warrant services, a warrant must be served between 6:00 AM and 10:00 PM. PPD detectives have a few options for who will serve their warrants. First, they can do it themselves. As a warrant location can be anywhere in Philadelphia, the detective would request assistance from the PPD District in which the residence is located. As detectives do not wear uniforms, the local district then assigns uniformed officers, who help secure the property. The uniformed officer presence also ensures that everyone knows they are police who are there to serve a warrant.

Each PPD detective works out of a Detective Division, which cover geographical areas of the City. A detective from the Southwest Detective Division can also request the officers assigned to the Southwest Detective Division Warrant Team to help with warrant service. These teams are made up of 3-5 officers whose only job is to assist with warrant preparation and warrant service. Typically, officers assigned to these divisional-level warrant teams have proven themselves to be highly tactically efficient and they receive additional training relevant to warrant service. These officers wear regular PPD uniforms for warrant service and can be utilized for warrants that may be somewhat more dangerous than a warrant that a detective would feel comfortable serving on their own. The third option is to request assistance from the SWAT Unit.

Why Does SWAT Get Involved?

A detective reviews all the information about the case, the suspect(s), the address where the warrant is to be served, and any other relevant information, to determine what threat the warrant service could pose. If the detective determines that a serious threat exists, they can consult with SWAT personnel and request their assistance. While all warrant service can be unpredictable, the SWAT unit is considered a tool to be used by detectives only in select situations they consider to be dangerous beyond their own capabilities and training as detectives. The SWAT unit has access to additional less-than-lethal options, as well as tactical weapons and body armor that other PPD units do not have. SWAT officers also have additional training, and this makes them better equipped to enter a location that may be more dangerous than an average home.

How Do SWAT Officers Serve a Warrant?

A detective requests SWAT assistance by calling the SWAT unit. They also fax a copy of the signed warrant to the SWAT unit along with a photo of the subject, their criminal history, potential weapons, and other relevant information. A SWAT supervisor decides whether SWAT officers will assist with the warrant.

When it is time to serve the warrant, the SWAT officers approach the warrant location and position themselves to begin. The first officer in the line conducts a “knock and announce” on the door of the house by using a piece of heavy equipment to knock on the door while announcing to the occupants that the police are there with a warrant. A “knock and announce” is required unless otherwise approved by the ACM or if there are exigent circumstances. While the specific amount of time can vary from warrant to warrant, the SWAT officers try to give enough time for someone inside the property to respond and open the door. If there is no response inside, or if sounds from inside indicate noncompliance or destruction of evidence, the team will forcibly enter the residence by breaking through the door.

Why Do SWAT Officers Dress Differently and Act Differently Than Other Officers?

SWAT officers wear black military-style uniforms based upon the nature of their work. For example, they are often required to climb under and over fences and across roofs. Based on the specialized nature of SWAT units, SWAT officers carry gear, additional less-than-lethal weapons, and larger firearms that patrol officers do not. As SWAT is supposed to be used only in circumstances that are potentially extra dangerous, their intention is to be an overwhelming presence in order to shock and possibly disarm, and then detain, a person that may intend to cause harm. When SWAT officers enter a home, their role is to make sure the scene is safe for detectives. They do this by quickly and safely searching the entire residence to make sure all people are accounted for and no one is hiding. SWAT officers will often handcuff or temporarily detain anyone who is present in order to secure them while they continue to search for additional people. SWAT officers do not search for evidence, only for people. While they are permitted to use various tactics during warrant service, they are bound by PPD standards of professionalism. While SWAT officers want to have as much information as possible about who is inside a home before they enter, SWAT officers treat each warrant the same in order to be prepared for anything that may occur.

A common misconception is that any officer who enters a home to serve a warrant in Philadelphia is a PPD SWAT officer. In addition to PPD detectives and PPD Detective Division Warrant Teams, there are other groups that participate in some version of warrant service Philadelphia. For example, the Department of Probation and Parole serves warrants to locate individuals in violation of their post-release agreements, and the fugitive task force, which is made up of PPD officers and US Marshalls, serve warrants as well. There are also other federal law enforcement agencies that work within Philadelphia and are empowered to serve warrants as needed, and their uniforms or tactical clothing can look similar to what is worn by PPD SWAT officers.

How Does Warrant Service End?

Once the SWAT officers determine that there are no additional people present, they inform the detectives that the location is clear, and they leave the scene as quickly as possible. The detectives and other officers who may be present are then in control of the scene. Detectives and other officers assisting are only permitted to search areas in which the listed item could possibly be found. For example, if the listed item in a search warrant was a 40-inch television from a burglary, officers would not be permitted to search in dresser drawers. If the detective finds the evidence they were looking for, they can use it to build the case against the suspect. Additionally, they can sometimes rule someone out as a suspect if their search does not produce the evidence listed in the warrant. If the search warrant is related to a felony, and the suspect is present when officers find the evidence, they can arrest the suspect.

Questions?

The mission of the PAC is to review the policies, practices, and customs of the PPD, and help improve the relationship between the community and the police. The PAC is always available to accept complaints and comments through our website, <http://www.phila.gov/PAC>. Please contact us online or by phone, at (215) 685-0891 if you have any questions or concern about this topic of warrant service or any other policing-related topic.