Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy (608), which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Fargo Police Department to balance the safety needs and privacy interests of the public, the safety of department members, and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The Criminal Investigations Division, Special Operations Unit (CID-SOU) Lieutenant also serves as the operations director and is responsible for those duties pursuant to the Operations Planning and Deconfliction Policy (608),and shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service. Absent exigent circumstances, all arrest or search warrants that involve a dwelling require a risk assessment and review by the operations director.

The operations director shall also have the responsibility to coordinate service of those warrants that are categorized as high risk. This includes deconfliction, risk assessment, operational planning, briefing, and debriefing.

607.4 SEARCH WARRANTS

The designated member shall prepare the affidavit and search warrant, consulting with the applicable supervisor or prosecuting attorney as needed.They shall also complete the risk assessment form and submit it, along with the warrant affidavit, to the their supervisor, who shall forward it to the operations director for review and classification of risk.

607.5 ARREST WARRANTS

If a member reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the member should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

Copyright Lexipol, LLC 2025/03/25, All Rights Reserved.
Published with permission by Fargo Police Department

If the warrant is classified as high risk, service shall be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

A member who prepares a warrant shall ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including address, apartment number, physical description of the residence (number of stories, color, etc.), any associated out buildings or vehicles, and photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Information Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of members deployed.

The member responsible for directing the service shall ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

Copyright Lexipol, LLC 2025/03/25, All Rights Reserved.
Published with permission by Fargo Police Department

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so. In addition to any other video recording conducted, a member's body worn camera shall be used to capture the incident in conformity with the Portable Audio/ Video Recorders policy (424).

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults in conformity with the Child and Dependent Adult Safety policy (337).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented viabody worn camera, as well as applicable video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary in conformity with the Use of Force policy (300) and the Handcuffing and Restraints policy (302).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, to include a warrant search, the person shall be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The memberer who obtained the warrant shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant. Further, that the scene is secured upon completion of the warrant service.

Copyright Lexipol, LLC 2025/03/25, All Rights Reserved.
Published with permission by Fargo Police Department

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director shall ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review all search warrants and confirm the existence of any arrest warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Fargo Police Department are utilized appropriately. Any concerns regarding the requested use of Fargo Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant shall remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Commander should assume this role.

If members intend to serve a warrant outside Fargo Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Fargo Police Department when assisting outside agencies or serving a warrant outside Fargo Police Department jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Training and Development Unit (TDU) shall ensure members receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service, and reporting requirements.

Copyright Lexipol, LLC 2025/03/25, All Rights Reserved.
Published with permission by Fargo Police Department

607.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

607.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

607.15 REVISION DATE 03/25/2025

Copyright Lexipol, LLC 2025/03/25, All Rights Reserved.
Published with permission by Fargo Police Department