



Minnesota Board of Peace Officer Standards and Training

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Ensuring Police Excellence and Improving Community Relations Advisory Council MEETING AGENDA 1600 University Avenue, Suite 200 Saint Paul, Minnesota April 13, 2022 9:00am-10:30am

This meeting will be held online. A link to observe the meeting will be on the POST website prior to the meeting.

1. Call to Order
2. Approval of the Agenda **ACTION**
3. Approval of the March 10, 2022 minutes **ACTION**
4. No-knock warrants **DISCUSSION**
 - A. POST Executive Director update on status of HF-3398 (attachment)
 - B. Introduction to topic (CAPM representative Eric Won) – Minneapolis Policy Attachment
 - C. General discussion
5. Appointing a new Chair - **DISCUSSION**
6. Adjournment



Minnesota Board of Peace Officer Standards and Training

Ensuring Police Excellence and Improving Community Relations Advisory Council March 10, 2022 9:00am

This meeting was held online via Teams due to the COVID-19 emergency.

Members Present:

Biiftuu Adam, Dave Titus, Sean Deringer, Mike Tusken, Anne Haines Holy Eagle, Julio Zelaya, Eric Won, Sue Abderholden, Nikki Engel, Kaohly Her and Paul Novotny.

Members Absent:

Nick Muhammad (Chair), Andrew Matthews and Cathy Spann.

Staff Present:

Erik Misselt, Rebecca Gaspard, Mike Meehan and Shari Mitchell.

Others Present:

Mark Schneider, General Counsel for Law Enforcement Labor Services.

Call to Order:

Mr. Misselt called the meeting to order at 9:00 am. Roll call was taken by Mr. Misselt.

Approval of the Agenda:

The motion to approve the agenda was made by Ms. Haines Holy Eagle and seconded by Ms. Abderholden. The vote to approve was unanimous via a voice vote.

Approval of the Minutes: Review:

Ms. Adam made a motion to edit the December 1, 2021 minutes to update the spelling of her name. The motion to approve the meeting minutes for December 1, 2021 was made by Ms. Abderholden and was seconded by Ms. Adam. The vote to approve was unanimous via a voice vote.

Presentation by Mark Schneider, General Counsel for Law Enforcement Labor Services:

Mr. Schneider gave a presentation on the officer discipline process and the roles of the employer. Mr. Misselt opened the meeting for questions.

Discussion ensued on the following topics:

- Grievance process
- Complaint process
- Arbitration process
- Mediator/Arbitrator selection process
- Criminal and internal investigations

Post Update:

Mr. Misselt introduced new appointee Eric Won, to the council on behalf of Asian Pacific Minnesotans and invited him to speak. Mr. Won spoke on his background and current work being done.

Mr. Misselt then provided an update on the following:

- Public database
- Move to in-person meetings
- Busy with a number of bills

Adjournment:

Mr. Deringer moved to adjourn the meeting and motion was seconded by Ms. Abderholden. With no further discussion, the council meeting adjourned at 10:04 am.



Minneapolis Police Department Policy and Procedure Manual

Number:
9-300

Date:
08 April 2022

Volume Nine – Enforcement Policies

Warrants

9-301 Search Warrants

(04/08/22)

Revisions to prior policies: (06/19/02) (06/12/02) (08/01/02) (08/08/07) (03/11/16)
(06/29/16) (11/30/20)

I. Purpose

- A. The Minneapolis Police Department is dedicated to protecting and serving in a way that minimizes harm and risk to our community and to MPD employees.
1. In accordance with the MPD's vision and the use of force policy (P&P 5-301), officers must recognize and respect the sanctity of life and value of all human life, and the need to treat everyone with dignity and without prejudice.
 2. When seeking and serving warrants, MPD employees must focus on protecting the community from harm, promoting public safety and providing service in a manner that builds trust and meets community expectations.
- B. The purpose of this policy is to ensure that warrants are applied for, planned and served in a manner that protects officers, subjects and the public, and in a manner that upholds laws, the Constitution, and MPD policies.

II. Definitions

Administrative Search Warrant: A search warrant sent electronically or otherwise involving no in-person contact, or for the processing of evidence already in police custody. Examples of administrative search warrants include, but are not limited to:

- Bank records,
- Cell phone or other phone records,
- Social media and other electronic communications,
- Impounded vehicles,
- Medical records.

Affiant: The sworn officer, investigator or sergeant that is authoring the search warrant application and swearing to the facts of the affidavit contained in the application.

Affidavit: A written document (statement of facts) confirmed by oath or affirmation.

Court: The designated judicial branch having jurisdiction over the location or person listed in the search warrant application and affidavit.

“High-Risk” Search Warrant: A search warrant in which known or suspected hazards have been identified and likely might be present during the service of the warrant. The identified hazards are of such significant risk to the safety of individuals that the search warrant exceeds the capabilities of normal patrol and investigative functions. These hazards may include, but are not limited to, suspect factors such as weapon possession and use, and location factors such as obstacles and other approach difficulties.

“Intermediate-Risk” Search Warrant: A search warrant with limited potential threat for harm due to the nature and location of the warrant, as well as reasonably believed information about the individuals at the subject location. The potential hazards or risks do not meet the criteria for a “high-risk” search warrant, but may require additional scrutiny or planning. This could include a warrant where a forced entry may be required, and it is unknown if people present are armed.

“Knock and Announce” Search Warrant: Under the “knock and announce” rule, a police officer executing a search warrant generally must not immediately force their way into the premises, absent exigent circumstances as defined in the Warrant Entry Procedures section of this policy. Instead, the officer must first knock, identify themselves as “Police” and announce their intent, and wait a reasonable amount of time for the occupants to allow entry into the premises, pursuant to the Warrant Entry Procedures section of this policy.

“Lower-Risk” Search Warrant: A warrant with no or minimal potential threat for harm due to the nature and location of the warrant as well as the absence of suspects. Examples of “lower-risk” search warrants include, but are not limited to:

- Safe-deposit boxes,
- DNA sexual assault warrants for in-custody persons,
- Search warrants at a location where the investigator wouldn’t expect to encounter the suspect(s) or other resistance (for example, a location already under the control of law enforcement).

“No-Knock Search Warrant”: Also called an Unannounced Entry or Dynamic Entry warrant, a no-knock search warrant is a search warrant authorizing a police officer to enter certain premises without first knocking and announcing the officer’s presence or purpose prior to entering the premises (MN Statute section 626.14 Subd. 2).

Probable Cause: Having reasonable grounds for supporting the requested Court order, to include: search warrants, arrests or other legal process. Probable cause is required by the Fourth Amendment. Officers must have an objectively reasonable basis for believing that a crime may have been committed or that there is evidence of the crime present in the place to be searched.

Search Warrant: A document issued by the Court authorizing the police to enter and search a person, premises, location or vehicle for purposes of evidence recovery.

Search Warrant and Risk Assessment form: The form completed by Minneapolis Police Department employees that uses investigatory information and other criteria to evaluate the risk potential associated with a warrant.

SWAT: The Special Weapons and Tactics Team of the Minneapolis Police Department.

“Unannounced Entry” Warrant: Also called a “no-knock search warrant.”

III. Policy

A. Legal Principles

MN Statute sections 626.05 through 626.22 authorize peace officers to write and execute search warrants in the course of their investigative duties and criminal investigations, and the Statute sections establish the warrant requirements for peace officers. MN Statute section 626.14 specifically details time and manner of search warrants, and requirements for “no-knock search warrants.”

B. Consistent with Values, Policies and Laws

1. It is the policy of the Minneapolis Police Department that search warrants are applied for and conducted in an impartial manner, consistent with the Vision, Mission, Values and Goals of the Minneapolis Police Department, to include the pillars of Procedural Justice, and consistent with protecting people’s constitutional rights.
2. Search warrants shall also be conducted in accordance with all applicable laws and MPD policies and procedures.
3. The Minneapolis Police Department will pursue tactics and techniques to:
 - Provide for the safety for all persons concerned;
 - Accomplish a thorough and legal search;
 - Respect the constitutional rights of the people the warrant is being served upon;
 - Minimize the level of intrusion experienced by those who are having their premises searched; and
 - Establish a record of the warrant execution process.

IV. Procedures/Regulations

A. Drafting a Warrant

1. Affiant

Search warrants shall be drafted by investigating officers or supervisors.

2. Probable cause

If any doubt exists as to probable cause for the warrant, a city or county attorney shall be contacted for assistance.

3. Follow requirements on warrant

Officers shall follow all listed requirements on the warrant including serving a copy of warrants and inventory receipts to the affected parties.

4. No-knock search warrants are prohibited

- a. MPD officers shall not apply for or execute a no-knock search warrant, whether for MPD or on behalf of another agency.
- b. MPD officers shall not request that another agency execute a no-knock search warrant on behalf of the MPD.

B. Time of Search Warrant Service

1. In accordance with MN Statute section 626.14, a search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public.
2. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.
 - a. All nighttime search warrants for a private residence or business not already under control of officers shall be reviewed and approved prior to execution by the Deputy Chief of Investigations or, if unavailable, another employee at the rank of Deputy Chief or above.

C. Search Warrant and Risk Assessment form

1. Risk Assessment form required
 - a. A Search Warrant Risk Assessment shall be completed for all search warrants.
 - b. The affiant shall document on the form what investigative activities have taken place to try and apprehend the suspect or obtain the evidence prior to issuance of the search warrant, or why no investigative activity is needed or able to be performed.
2. SWAT review for “Intermediate-risk” and “High-risk” warrants

In all search warrants not determined to be an administrative search warrant or a “lower-risk” search warrant, the SWAT supervisor will review and determine whether a SWAT

team needs to be involved in the warrant planning and execution. This includes “intermediate-risk” search warrants.

3. Approval for “high-risk” warrants

All search warrant applications that are determined to be “high-risk” shall be reviewed and approved by a supervisor at the rank of Commander or above, prior to the execution of the warrant.

4. “Lower-risk” warrants

The investigator/affiant of a search warrant may execute a “lower-risk” search warrant under the direction of their supervisor, without consultation with the SWAT supervisor. A Search Warrant Risk Assessment form shall still be completed for the warrant.

5. Administrative warrants

The investigator/affiant may execute an administrative search warrant without consultation with the SWAT supervisor. A Search Warrant Risk Assessment form shall still be completed for the warrant.

D. Planning for Warrant Execution

1. Using SWAT team

- a. An on-duty team from the Special Weapons and Tactics (SWAT) shall be used for serving all high-risk warrants described in the Search Warrant and Risk Assessment form (MP-6946).
- b. SWAT personnel shall be used in all other preplanned entries that may exceed the capabilities of normal patrol and investigative functions, as determined by the SWAT supervisor after their review.
- c. The purpose of the team is to provide trained personnel and special equipment for the safe and expeditious execution of planned searches and arrests.
- d. Investigating officers will assist the operation and make all associated arrests.
- e. If SWAT will not be involved in executing an “intermediate-risk” search warrant, only officers who received the required “search warrant entry” training shall execute the warrant.
- f. SWAT officers executing a search warrant must be clearly identifiable as law enforcement, in accordance with the Warrant Entry Procedures section of this policy.

2. Requests for SWAT Team

When SWAT is not on-duty, requests for the SWAT's on-duty team shall be made to MECC.

- a. A SWAT team supervisor will designate the responding team members and direct them to a prearranged location for a briefing with the investigating officers.
- b. Tactical considerations for entering a dwelling and securing occupants is the responsibility of SWAT.

3. Supervisor present

- a. A non-SWAT supervisor or investigative Sergeant shall be present at executions of all planned search warrants (including those involving SWAT).
- b. A SWAT supervisor shall be present at briefings and executions of all planned search warrants involving SWAT.

4. Uniformed officers present

- a. All high-risk and intermediate-risk search warrants shall have a uniformed officer present.
- b. When SWAT is not involved in the warrant execution, the investigator shall contact the Minneapolis Emergency Communications Center (MECC) and the on-duty supervisor of the involved precinct of the location where the warrant is to be served, to notify them of the warrant and to request a uniformed officer.
 - i. When a squad is needed to assist an investigator with a search warrant, the district squad for the location where the warrant will be served shall be called upon to assist.
 - ii. If a district squad for the location is not available, MECC will contact another squad.

5. Paramedic or EMS unit present

A certified paramedic, EMT or an Emergency Medical Services (EMS) unit shall be requested to be on site or staged nearby when SWAT will be executing a search warrant.

6. Suspect photographs or briefing sheets

If available, suspect photographs or briefing sheets should be obtained prior to serving "intermediate-risk" and "high-risk" warrants.

E. Deconfliction Prior to Search Warrant Execution

1. Deconfliction requirement

- a. Prior to executing a search warrant at an address, the warrant affiant shall attempt to ensure that the search will not conflict with another investigation or police action.
- b. In accordance with MN Statute section 626.13, an officer serving and executing any search warrant other than an administrative search warrant (including “lower-risk,” “intermediate-risk” and “high-risk” warrants) shall notify the local law enforcement agency of the municipality or county in which service is to be made prior to service and execution.
- c. Exception: A search warrant executed at an active crime scene *already under the control of the MPD or another law enforcement agency* does not need to be deconflicted.

2. Deconfliction process

- a. Deconfliction shall be handled through the RISSafe service provided by the Mid States Organized Crime Information Center.
 - i. The search warrant affiant or their designee shall complete the RISSafe deconfliction process by contacting the Strategic Information Center at 612-673-3700 or police-sicmintel@minneapolismn.gov or the Bureau of Criminal Apprehension Operations Center at 651-793-7000.
 - ii. Investigators who have received RISSafe system training may use the online deconfliction tool.
- b. The affiant or their designee shall provide the following information:
 - Affiant name and contact information
 - The name and contact information for a secondary contact familiar with the details of the planned warrant
 - Date and time of warrant execution (a date and time range is acceptable)
 - Type of crime being investigated

3. Conflict found

In the event a conflict is found, the affiant will be instructed as to how to contact the conflicting agency. The affiant shall make contact and resolve the conflict prior to executing the search warrant.

4. Document deconfliction effort and result

The deconfliction effort and result shall be documented on the Search Warrant Risk Assessment form (MP-6946).

F. Warrant Entry Procedures

1. Required people present

In accordance with the planning section of this policy, the following people shall be present for all high-risk search warrant entries:

- At least one uniformed officer
- A non-SWAT supervisor
- A SWAT supervisor
- A certified paramedic, EMT or staged EMS team, when available

2. Media and other third parties

The presence of media or other third parties during the execution of a warrant is prohibited unless their presence is necessary to aid the execution of the warrant.

3. Police identification

- a. All law enforcement shall be clearly identified as law enforcement by a distinctive outermost garment (such as a vest or jacket) or other visible indicator of position and authority.
- b. All non-uniformed law enforcement shall have the word “POLICE” clearly marked on the outermost garment (such as a vest or jacket) or other visible indicator of position and authority.
- c. Members of other agencies assisting with the search will be identified by using the procedures of their own agency’s policy.

4. Body armor and body worn cameras

- a. All members of the entry team shall wear body armor.
- b. All MPD employees present (including members of the entry team) shall wear, activate and deactivate their MPD-issued Body Worn Camera in accordance with the Body Worn Camera policy (P&P 4-223).

5. Announcements and entry

a. Notification prior to entry

Notification is required before entry to the premises is made. An MPD personnel executing a search warrant shall use the following procedures:

i. Physically knock or make contact

Police personnel shall physically knock on an entry door to the premises in a manner and duration that can be heard by the occupants; or make contact with occupants inside the residence via phone or a long-range acoustical device.

ii. Clearly announce as “police”

Police personnel shall clearly and verbally announce themselves as “police” with the intent to execute a search warrant in a manner that can be heard by the occupants.

iii. Wait before entering

aa. Daytime entry

Absent exigent circumstances, during a daytime hours entry, police personnel shall wait a minimum of **20** seconds or for a reasonable amount of time for occupants to respond, whichever is greater, before entering the premises.

ab. Authorized nighttime search

Absent exigent circumstances, during an authorized nighttime search entry, police personnel shall wait for occupants to respond, for a minimum of **30** seconds or for a reasonable amount of time, whichever is greater, before entering the premises.

ac. Exigent circumstances

Exigent circumstances for immediate entry are:

- To prevent imminent harm or to provide emergency aid;
- To prevent imminent destruction or removal of evidence (excluding narcotics);
- When in hot pursuit;
- To prevent the imminent escape of a suspect.

Exigent circumstances do **not** include the destruction or removal of narcotics.

b. Reasonable force to make entry

If notification to the occupants has not resulted in admittance to the police personnel after a reasonable amount of time, the police personnel may use reasonable force to execute the warrant, including forced entry into the building to be searched.

c. Continue announcements

- i. Police personnel shall clearly announce themselves as “police” at the time of actual entry.
- ii. During the execution, officers must repeatedly announce themselves as “police” as they move about and clear the search area, and each time an officer has moved to an area where the previous announcement may not have been heard.
- iii. These announcements should include the officer’s authority and what the officer wants the subject to do.

d. Be mindful of barriers to cooperation

Officers should be mindful of any known or reasonably believed obstacles to cooperation or perception barriers, such as mental or emotional capacity, physical and language barriers, including whether the individual is known or believed to be deaf or hard of hearing.

6. Arrests, searches and use of force

- a. Arrests, searches and use of force engagements shall follow the applicable policies (P&P 9-100, P&P 9-200 and P&P 5-300).
- b. FSDDs (also known as “flash-bangs” shall only be distributed and used in accordance with P&P 5-503 Diversionary/Distracton Devices, and the use of force policies in P&P 5-300.

7. Return location to order

At the conclusion of a warrant, officers shall return the searched location to some semblance of order (i.e., drawers will be placed back into dressers, clothes removed from drawers will be placed back inside, mattresses will be returned to their bed frames, etc.).

G. Documenting Warrant and Warrant Execution

1. Documenting in a Police Report

- a. When SWAT is involved in a warrant, the code SWAT shall be used on the Police Report. For reports that were entered prior to the search warrant execution, the investigator shall ensure the code is added to the report.

- b. If SWAT is not involved, the code SRCHWT shall be used (denoting a search warrant). For reports that were entered prior to the search warrant execution, the investigator shall ensure the code is added to the report. This includes administrative warrants.
 - c. Investigators shall attach a copy of the warrant and a copy of the affidavit to the Police Report.
 - d. The SWAT supervisor, investigator or other person responsible for directing the entry shall document in their narrative text any exigent circumstances present prior to making the entry.
 - e. For warrants involving the search of a location, investigators shall document in the Police Report:
 - Whether the location searched matched the location specified in the warrant
 - Whether the subject or subjects specified in the warrant were present
 - Whether any items specified for seizure in the warrant were present
 - f. Officers assigned to a search warrant shall document in a narrative text their assignment and actions taken, if they were responsible for any of the following:
 - Using force to subdue or detain individuals;
 - Any damage to property;
 - Locating, recovering or documenting evidence.
 - g. When directed by a supervisor, officers shall document in a narrative text their assignment and actions taken.
2. Reporting force
- Uses of force during a search warrant execution shall be documented in accordance with P&P 5-301.
3. Documenting damage
- All case investigators shall document in a Police Report any damage done to property as a result of police actions.
- a. If entry for a search is made forcibly to windows or interior or exterior doors, the report shall include the code FENTRY.
 - b. This documentation shall include damage done by the SWAT Warrant Detail to gain access to the premise and damage done by investigators as a result of lawfully searching for evidence.
 - c. Damage done to vacant premises shall also be documented.

- d. This documentation must include the condition and detailed description of the property damaged; i.e., hollow core door vs. six panel oak door, porcelain sink vs. oak vanity with marble sink, etc.
- e. Photographs shall be taken to document any known damages, and shall be attached to the Police Report.

H. Warrants Outside Minneapolis

1. In the best interest of officer safety, MPD officers initiating a warrant in another jurisdiction shall contact the Communication Center that dispatches for the affected jurisdiction and request contact with the officer in charge.
2. When seeking to execute any search warrant other than an administrative search warrant (this includes “lower-risk,” “intermediate-risk”, and “high-risk” warrants), officers shall contact the law enforcement jurisdiction where the warrant is to be served. That jurisdiction should be responsible for entry and securing the scene prior to MPD personnel assuming control.
3. SWAT shall not leave Minneapolis to execute a search warrant without the prior approval of the Commander who oversees SWAT.

I. Requests by Others Jurisdiction for Search Warrant Execution

1. Prior approval by the Deputy Chief of Investigations is required for the execution of a search warrant for an outside agency.
 - a. The Commander who oversees the division of the requested unit shall seek approval from the Deputy Chief of Investigations prior to the execution of a search warrant for an outside agency.
 - b. The Deputy Chief of Investigations shall review the search warrant prior to giving approval to assist the outside agency.
2. All assistance provided shall be in compliance with MPD policies.

9-302

Arrest Warrants

(04/08/22)

Revisions to prior policies: (06/12/02) (06/19/02)

A. Legal Principles

In accordance with P&P 5-102:

1. “Officers shall not arrest any person or search any premises except with a warrant or where such arrest or search is authorized without warrant under the laws of the United States.”

2. “Employees shall not knowingly restrict the freedom of individuals, whether by arrest or detention, in violation of the Constitutions and laws of the United States and the State of Minnesota.”

B. Serve Within Minnesota

MPD officers may serve warrants within the State of Minnesota.

C. Confirm Warrant

1. Officers in contact with a person suspected to be wanted on a warrant shall confirm that the warrant exists through MECC.
2. If a warrant is from out of state, officers shall obtain the number of the warrant from MECC and provide it to personnel at the HCADC.

D. Suspect photographs or briefing sheets

If available, suspect photographs or briefing sheets should be obtained prior to serving felony warrants or when attempting felony pick-ups.

E. Announce Arrest and Inform Subject of Warrant

In accordance with MN Statute section 629.32 and P&P 5-301, the officer shall inform the subject that the officer is acting under a warrant, and shall show the subject the warrant if requested to do so. An arrest by an officer acting under a warrant is lawful even though the officer does not have the warrant in hand at the time of the arrest, but if the arrested person so requests the warrant must be shown to that person as soon as possible and practicable. An officer may lawfully arrest a person when advised by any other peace officer in the state that a warrant has been issued for that person.

Note: The officer can show the warrant via the squad computer.

F. Using Force to Make Arrest

Force may only be used to make an arrest in accordance with P&P 5-300, and Federal, State and local laws.

G. Time of Arrest Warrant Service

1. Misdemeanor arrest warrants

In accordance with MN Statute section 629.31, an arrest may for a misdemeanor may only be made during the hours of 8:00 am and 10:00 pm and only on the days of Monday through Saturday, subject to the exceptions below:

- a. An arrest for a misdemeanor may be made on Sunday or between 10:00 p.m. and 8:00 a.m. on any other day when the judge orders in the warrant that the arrest may be made between those hours; or
 - b. when the person named in the warrant is found on a public highway or street.
2. Gross misdemeanor and Felony arrest warrants

In accordance with MN Statute section 629.31, an arrest for a felony or gross misdemeanor may be made on any day and at any time of the day or night.

H. Transport

If a warrant does exist for the individual, the suspect shall be transported to the Hennepin County Adult Detention Center (HCADC).

I. Warrant Processing- Additional Charges

Officers arresting a suspect who also has outstanding warrants, may process the suspect on both the warrant and the additional offense.

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3398

02/14/2022 Authored by Hollins, Agbaje, Frazier, Pinto, Moller and others
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
02/24/2022 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law

A bill for an act

relating to public safety; modifying the no-knock search warrant process; amending Minnesota Statutes 2021 Supplement, section 626.14; proposing coding for new law in Minnesota Statutes, chapter 626.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2021 Supplement, section 626.14, is amended to read:

626.14 TIME AND MANNER OF SERVICE; NO-KNOCK SEARCH WARRANTS.

Subdivision 1. Time. A search warrant may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless the court determines on the basis of facts stated in the affidavits that a nighttime search outside those hours is necessary to prevent the loss, destruction, or removal of the objects of the search or to protect the searchers or the public. The search warrant shall state that it may be served only between the hours of 7:00 a.m. and 8:00 p.m. unless a nighttime search outside those hours is authorized.

Subd. 2. Definition. For the purposes of this section, "no-knock search warrant" means a search warrant authorizing peace officers to enter certain premises without first loudly knocking and loudly and understandably announcing the officer's presence or purpose and waiting no less than 30 seconds thereafter prior to entering the premises to allow compliance by the subject. No-knock search warrants may also be referred to as dynamic entry warrants.

Subd. 3. Requirements for a no-knock search warrant. (a) No peace officer shall seek No later than October 1, 2022, the commissioner of public safety shall develop and publish a standard warrant application form that complies with this section. After October 1, 2022, each no-knock search warrant application must be submitted on the standard form published by the commissioner of public safety.

2.1 (b) A court may only issue a no-knock search warrant unless the if there is clear and
 2.2 convincing evidence of a significant, articulable, and imminent risk of death or great bodily
 2.3 harm to an individual confined without the individual's consent at the location designated
 2.4 in the warrant.

2.5 (c) A no-knock search warrant application includes must include at a minimum:

- 2.6 (1) all documentation and materials the issuing court requires;
- 2.7 (2) the information specified in paragraph ~~(b)~~ (d); and
- 2.8 (3) a sworn affidavit as provided in section 626.08.

2.9 ~~(b)~~ (d) Each warrant application seeking a no-knock entry must include, in detailed
 2.10 terms, the following:

- 2.11 (1) why peace officers are seeking the use of a no-knock entry and are unable to detain
 2.12 the suspect or search the residence through the use of a knock and announce warrant;
- 2.13 (2) what investigative activities have taken place to support issuance of the no-knock
 2.14 search warrant, or why no investigative activity is needed or able to be performed; and
- 2.15 (3) ~~whether the warrant can be effectively executed~~ what conditions prevent execution
 2.16 of the warrant during daylight hours according to subdivision 1.

2.17 ~~(e)~~ (e) The chief law enforcement officer or designee and another superior officer must
 2.18 review and approve each warrant application. The agency must document the approval of
 2.19 both reviewing parties.

2.20 ~~(d) A no-knock search warrant shall not be issued when the only crime alleged is~~
 2.21 ~~possession of a controlled substance unless there is probable cause to believe that the~~
 2.22 ~~controlled substance is for other than personal use.~~

2.23 (f) A no-knock search warrant shall not be issued when the peace officer applying for
 2.24 the warrant has prior knowledge of the subject's or household member's disability within
 2.25 the meaning of United States Code, title 42, section 12102.

2.26 (g) A no-knock search warrant application, including any attachments to the application,
 2.27 that contains information that the applicant knows is false is void and any evidence collected
 2.28 under a warrant based on that application is inadmissible for any purpose in any action,
 2.29 proceeding, or hearing.

2.30 (h) Notwithstanding any law to the contrary, the Peace Officer Standards and Training
 2.31 Board shall suspend the license of an officer who knowingly provides false information in
 2.32 a warrant application or attachment for no less than 60 days. The board must revoke the

3.1 license of a peace officer who knowingly provides false information in a warrant application
 3.2 a second or subsequent time.

3.3 **Subd. 3a. Training requirements regarding no-knock search warrants.** (a) Beginning
 3.4 in 2023, the attorney general, in coordination with the commissioner of public safety, must
 3.5 deliver a training course quarterly each year that is no less than four hours in duration that
 3.6 instructs peace officers on search, seizure, and obtaining and properly executing warrants,
 3.7 including no-knock warrants. The training course must emphasize warrant execution practices
 3.8 that enhance subject and officer safety. The Peace Officer Standards and Training Board
 3.9 shall assist the attorney general in developing the training course.

3.10 (b) After September 1, 2023, no officer shall participate in a no-knock warrant execution
 3.11 unless that officer has completed the training described in paragraph (a) within the past
 3.12 year.

3.13 **Subd. 4. Reporting requirements regarding no-knock search warrants.** (a) Law
 3.14 enforcement agencies shall report to the commissioner of public safety regarding the use
 3.15 of no-knock search warrants in a format prescribed by the commissioner. These reports are
 3.16 classified as public data as defined in section 13.02. An agency must report the use of a
 3.17 no-knock search warrant to the commissioner no later than three months after the date the
 3.18 warrant was issued. The report shall include the following information:

- 3.19 (1) the number of no-knock search warrants requested;
- 3.20 (2) the conditions or reasons each no-knock search warrant was requested;
- 3.21 (3) the number of no-knock search warrants the court issued;
- 3.22 ~~(3)~~ (4) the number of no-knock search warrants executed;
- 3.23 ~~(4)~~ (5) the number of injuries and fatalities suffered, if any, by peace officers and by
 3.24 civilians in the execution of no-knock search warrants; and
- 3.25 ~~(5)~~ (6) any other information the commissioner requests.

3.26 (b) The commissioner of public safety shall report the information provided under
 3.27 paragraph (a) annually to the chairs and ranking minority members of the legislative
 3.28 committees with jurisdiction over public safety.

3.29 **Sec. 2. [626.8479] TRAINING IN SEARCH AND SEIZURE AND WARRANT**
 3.30 **PROCESSING AND EXECUTION; MODEL POLICY.**

3.31 **Subdivision 1. Model policy; mandatory adoption.** (a) No later than November 15,
 3.32 2022, the board shall develop a model policy and learning objectives on search, seizure,

4.1 and obtaining and properly executing warrants to include arrest warrants and search warrants,
4.2 including the limited circumstances that justify a no-knock search warrant.

4.3 (b) By January 1, 2023, each chief of police and sheriff shall establish, adopt, and
4.4 implement a written policy that is identical or substantially similar to the model policy
4.5 developed under paragraph (a).

4.6 Subd. 2. In-service training. Beginning January 1, 2023, the chief law enforcement
4.7 officer of every state and local law enforcement agency shall provide in-service training on
4.8 the policy adopted pursuant to subdivision 1 to every peace officer and part-time peace
4.9 officer employed by the agency. The training must comply with the learning objectives
4.10 developed and approved by the board and must meet board requirements for board-approved
4.11 continuing education credit. The training must consist of at least four continuing education
4.12 credits of the credits required under section 626.8469 within an officer's three-year licensing
4.13 cycle. Each peace officer with a license renewal date after June 30, 2023, is not required to
4.14 complete this training until the officer's next full three-year licensing cycle.