

Part 2 Search Warrants

77-23-205 Officer may request assistance.

An officer who is serving a search warrant may request other persons to assist in conducting the search.

Amended by Chapter 153, 2007 General Session

77-23-210 Force used in executing a search warrant -- When notice of authority is required as a prerequisite.

- (1)
 - (a) No later than July 1, 2015, any law enforcement agency that seeks a warrant under this section shall comply with guidelines and procedures which are, at a minimum, in accordance with state law and model guidelines and procedures recommended by the Utah Peace Officer Standards and Training Council created in Section 53-6-106.
 - (b) Written policies adopted pursuant to this section, shall be subject to public disclosure and inspection, in accordance with Title 63G, Chapter 2, Government Access and Management Act.
- (2) When a search warrant has been issued authorizing entry into any building, room, conveyance, compartment, or other enclosure, the officer executing the warrant may enter:
 - (a) if, after giving notice of the officer's authority and purpose, there is no response or the officer is not admitted with reasonable promptness; or
 - (b) without notice of the officer's authority and purpose as provided in Subsection (3).
- (3)
 - (a) The officer may enter without notice only if:
 - (i) there is reasonable suspicion to believe that the notice will endanger the life or safety of the officer or another person;
 - (ii) there is probable cause to believe that evidence may be easily or quickly destroyed; or
 - (iii) the magistrate, having found probable cause based upon proof provided under oath, that the object of the search may be easily or quickly destroyed, or having found reason to believe that physical harm may result to any person if notice were given, has directed that the officer need not give notice of authority and purpose before entering the premises to be searched under the Rules of Criminal Procedure; or
 - (iv) the officer physically observes and documents a previously unknown event or circumstance at the time the warrant is being executed which creates probable cause to believe the object of the search is being destroyed, or creates reasonable suspicion to believe that physical harm may result to any person if notice were given.
 - (b) The officer shall identify himself or herself and state the purpose for entering the premises as soon as practicable after entering.
- (4) An officer executing a warrant under this section may use only that force which is reasonable and necessary to execute the warrant.
- (5) An officer executing a warrant under this section shall wear readily identifiable markings, including a badge and vest or clothing with a distinguishing label or other writing which indicates that he or she is a law enforcement officer.
- (6)

- (a) An officer executing a warrant under this section shall comply with the officer's employing agency's body worn camera policy when the officer is equipped with a body worn camera.
 - (b) The employing agency's policy regarding the use of body worn cameras shall include a provision that an officer executing a warrant under this section shall wear a body worn camera when a camera is available, except in exigent circumstances where it is not practicable to do so.
- (7)
- (a) The officer shall take reasonable precautions in execution of any search warrant to minimize the risks of unnecessarily confrontational or invasive methods which may result in harm to any person.
 - (b) The officer shall minimize the risk of searching the wrong premises by verifying that the premises being searched is consistent with a particularized description in the search warrant, including such factors as the type of structure, the color, the address, and orientation of the target property in relation to nearby structures as is reasonably necessary.
- (8) Notwithstanding any provision in this chapter, a warrant authorizing forcible entry without prior announcement may not be issued under this section, solely for:
- (a) the alleged possession or use of a controlled substance; or
 - (b) the alleged possession of drug paraphernalia as provided in Section 58-37a-3.

Amended by Chapter 317, 2015 General Session