



OFFICE OF POLICE CONDUCT REVIEW

PRELIMINARY REPORT: HIGH-RISK WARRANTS

March 14, 2022

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Introduction and Timeline

On February 2, 2022, the Director of Civil Rights began discussions with staff about potential actions, including a special review, that the department could take relating to high-risk warrants. On February 4, 2022, Civil Rights Office of Police Conduct Review (OPCR) staff were approved to conduct a special review of the City's high-risk warrant and no-knock warrant policies, granting them the authority to request unrestricted access to the records of the Minneapolis Police Department for that purpose, to the extent authorized by law.

The scope of this preliminary report focused on high-risk warrants served between September 1, 2021 and January 31, 2022. These dates were identified to align with changes to [MN State Statute 626.14](#) in September 2021 that updated the requirements for no-knock search warrants. The purpose of limiting the scope of the preliminary report was to identify recent data for analysis while also mitigating limitations on the release of preliminary findings due to any pending reviews of incidents by the Minnesota Bureau of Criminal Apprehension (BCA) or other legal processes.

The full report will be completed by April 15, 2022 and contain additional data from high-risk warrants served between January 1, 2021 and February 4, 2022. The remaining review maintains the same objectives but requires an extended timeline to conduct the detailed analysis of body worn camera (BWC) and other materials needed for a comprehensive evaluation. To ensure the integrity of the review and any related investigations, the final version of this report cannot be shared publicly until legally permissible.

Next Steps

Civil Rights Office of Police Conduct Review staff are continuing to conduct analysis of data covering the entire identified scope of January 1, 2021 – February 4, 2022.

Identified focus topics for final report:

- 1) Detailed identification of any potential gaps or failures in departmental policy and procedure.
 - a) Police Reports, Search Warrant Applications, High-Risk Warrant Assessment Forms, body worn camera and other relevant video.
- 2) Expanded date range for review of warrants served to determine adherence to policy and procedure.
- 3) High-risk warrants with forced entry – average and standardized wait times.
- 4) Damage to property – justification, cost/compensation.
- 5) Reporting or observance of use of flashbangs and/or similar devices (FSDD).
- 6) Video review of identifiable variance to levels of resistance during warrant execution by type of entry.
- 7) Review of high-risk warrant's measurable impact on resource allocation and expenses.
- 8) Additional information that may be revealed through analysis and review.

Preliminary Findings

- 1) High-Risk Warrants, which can include No-Knock Warrants (NKW), disproportionately impact African Americans ([2.1](#); [2.2](#); [5.1](#); [5.2](#)).
- 2) Review of the initial population of available warrants and recovery forms indicates that “knock first” high-risk warrants had equal or greater success at recovering suspected firearms and/or narcotics during a search ([1.1](#); [1.2](#); [1.3](#)). Additional review is being conducted but, specific to suspected narcotics, initial findings are notable since destruction is often a concern and justification for the request of a no-knock warrant.
- 3) 80% of all High-Risk Warrants were served within 72 hours of approval ([6.1](#); [6.2](#)).
- 4) 86% of specific No-Knock Warrants were served within 72 hours of approval ([6.1](#); [6.2](#)).
- 5) 18% of warrants reviewed through aggregate data were served between 7:00 AM and 7:30 AM ([4.1](#); [4.2](#)). [MN State Statute 626.14](#) requires “night capped” approval for warrants being served between 8:00 PM and 7:00 AM. The preliminary data indicates law enforcement queuing operations to commence as soon as the nightcap provision is lifted at 7:00 AM.
- 6) The 4th Precinct ([MPD Precinct Map](#)) accounted for 50% of the total warrants and 80% of night capped approvals identified through aggregate data ([3.1](#); [3.2](#)).
- 7) Civil Rights Office of Police Conduct Review staff identified potential issues regarding equipment and tactics that will be a focus of additional review as a part of the final report. Initial analysis has identified areas for review regarding ballistic shields and officer safety.

Initial Recommendations

- 1) It is recommended that the City and MPD consider a formal ban of no-knock warrants. While there are exemptions, MPD policy could be updated to state that high-risk warrants are restricted to knock and announce. Based on the preliminary data showing recovery of firearms and narcotics using knock and announce warrants at similar rates to no-knock warrants, this restriction would still produce similar recovery results while also increasing the safety of civilians and officers.
- 2) MPD should implement a reduced warrant expiration period. [MN State Statute 626.15](#) states that “a search warrant must be executed and returned to the court which issued it within ten days after its date. After the expiration of this time, the warrant is void unless previously executed.” Preliminary data suggests that the City and MPD could implement further reductions to the allowable period a warrant is considered valid with minimal impact to current practices ([6.1](#), [6.2](#)).
- 3) Use of simplified templates for Minneapolis Police Department risk assessment forms limits information.
 - a) Explore updating risk assessment form and/or warrant applications to include more information on the risk to potential occupants (i.e. including minors) of a property, as well as the public. Abbreviated forms, such as check-box style fields, limit information available for review during the approval process, including judicial review, and does not provide comprehensive information regarding the dwelling.
- 4) MPD flashbang and less-lethal policy, both MPD Policy and Procedure Manual AND SWAT Standard Operating Procedures Manual, should be reviewed and updated to include greater detail around the use of less-lethal devices during the serving of a high-risk warrant.
- 5) Establishing a standardized process for periodic civilian review of high-risk warrant policies and practices to evaluate adherence, effectiveness, and outcomes.
- 6) Civil Rights Office of Police Conduct Review has direct access to relevant systems and was still unable to easily access warrant data. This information must be easier to access at an analytic level but also at a public consumption level. Creation of a data dashboard for publicly available warrant information. MPD is already tracking no knock warrants to comply with [MN State Statute 626.14 Subd. 4](#) reporting requirements. The public data reported to the BCA available to be published by the City as a data dashboard for increased transparency.
- 7) Current policies do not identify or outline any peer review processes related to warrant application. Policies should be revised to allow for objective review of the probable cause. Existing policy, listed below, lacks detail and framework.
 - a) “If any doubt exists as to probable cause for the warrant, a city or county attorney shall be contacted for assistance.” - MPD P&P 9-301
- 8) Review MPD Policy and Procedure Manual to consider revisions and the removal of permissive language:
 - a) P&P 9-301: “...**Whenever feasible**, uniformed officers shall be present during the execution of any warrant.”
 - b) P&P 9-307: “...The Special Weapons and Tactics (SWAT) team **generally** handles and executes such warrants, based on the identified risks noted on the Search Warrant and Risk Assessment form (MP-6946).”

Background Data

Review of Physical Warrants

The following data was compiled by the Civil Rights Office of Police Conduct Review through review of physical copies of high-risk warrants executed between September 1, 2021 and January 31, 2022. Warrant copies and the corresponding listing of items recovered were identified through City systems of record.

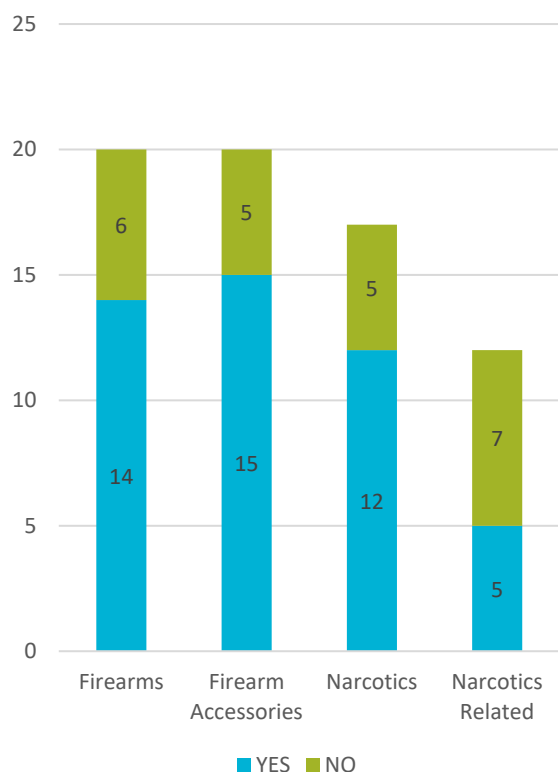
Total High-Risk Warrants Reviewed: 33

Total High-Risk No-Knock Warrants (NKW): 21 (1 was granted but not served as a no-knock)

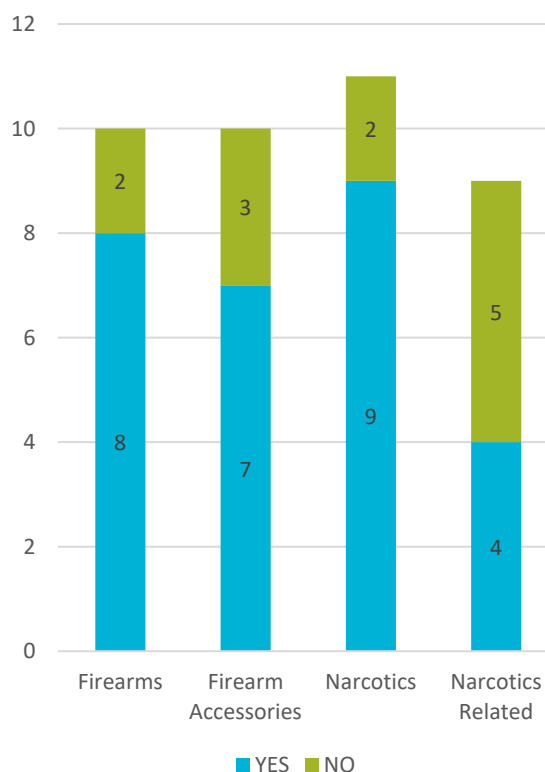
Total High-Risk (Non-NKW) Warrants: 12

1.1 OUTCOMES: Items Suspected in Warrant vs Items Recovered Upon Search											
		Firearms		Firearm Accessories		Narcotics		Narcotics Paraphernalia		TOTAL	
No-Knock Warrants	Items Found: YES	14	70%	15	75%	12	71%	5	42%	46	67%
	Items Found: NO	6	30%	5	25%	5	29%	7	58%	23	33%
High-Risk Warrants (Non-NKW)	Items Found: YES	8	80%	7	70%	9	82%	4	44%	28	70%
	Items Found: NO	2	20%	3	30%	2	18%	5	56%	12	30%

1.2 No-Knock Warrants (NKW)
Items Suspected vs Found

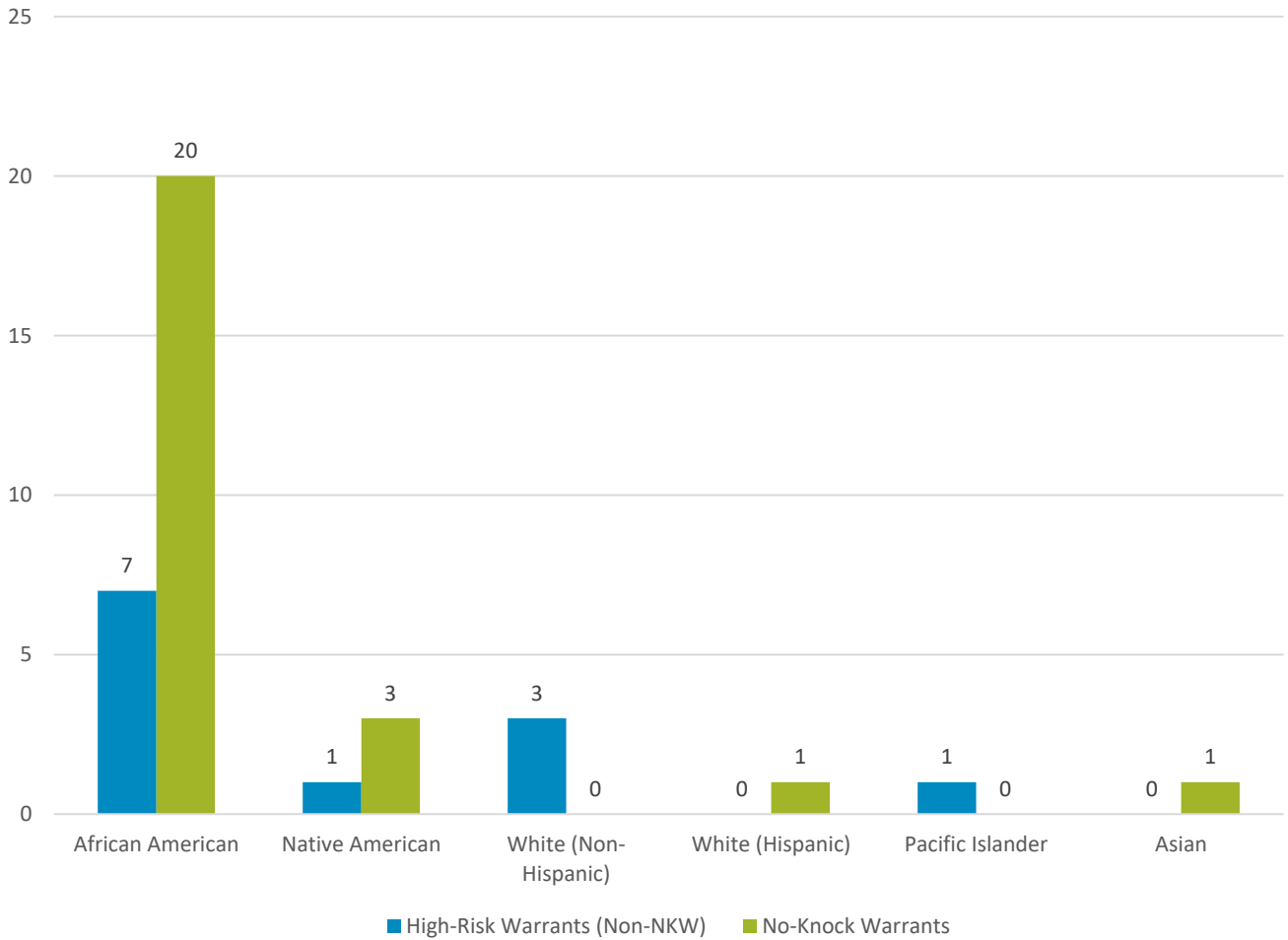


1.3 High-Risk Warrants (Non-NKW)
Items Suspected vs Found



2.1 High-Risk Warrant Targets Demographic Data					
	No-Knock Warrant (NKW)	Night Capped	High-Risk Warrant (Non-NKW)	Night Capped	TOTAL
African American	20	4	7	1	32
Native American	3	0	1	0	4
White (Hispanic)	1	0	0	0	1
White (Non-Hispanic)	0	0	3	0	3
Asian	1	0	0	0	1
Pacific Islander	0	0	1	0	1
TOTAL	25	4	12	1	42

2.2 High-Risk Warrant Demographic Data



Review of Aggregate High-Risk Warrant Data

The following data has been pulled from copies of executed warrants as well as law enforcement databases relating to dispatch, incident reporting, body-worn camera, and others. In lieu of all warrant copies from the identified scope of September 1, 2021 through January 31, 2022 being available, this data is intended to build upon what was gathered from the initial review.

Total High-Risk Warrants Reviewed: 60

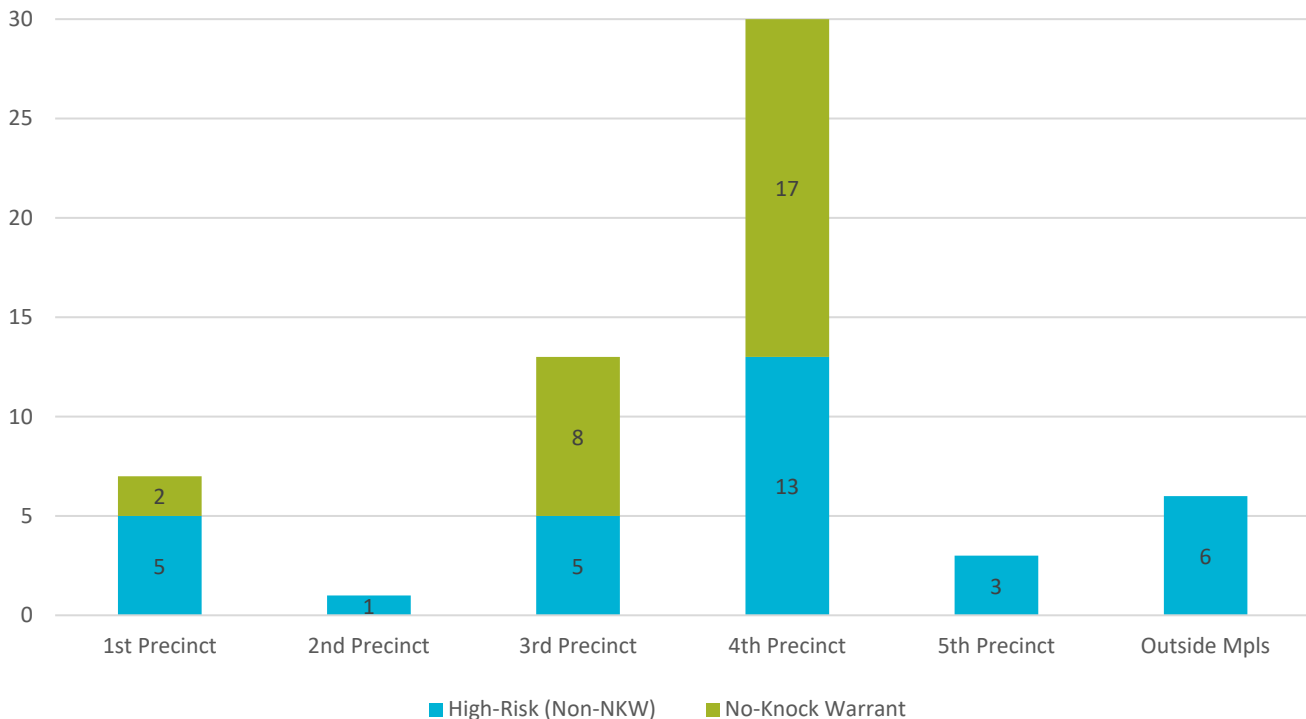
Non-NK High Risk Warrant: 29

Total No-Knock Warrants Granted: 31 (28 NKW Used)

NOTE: Included in Totals, Warrants Assisting Other Agencies: 14 (5 NKW)

3.1 High-Risk Warrants Served by Precinct Location					
<i>"Night Capped" approved indicates it could be executed between the hours of 8:00 PM and 7:00 A.M.</i>					
	No-Knock Warrant (NKW)	Night Capped	High-Risk Warrant (Non-NKW)	Night Capped	TOTAL
1 st Precinct	2	0	5	0	7
2 nd Precinct	0	0	1	0	1
3 rd Precinct	8	0	5	1	13
4 th Precinct	17	4	13	4	30
5 th Precinct	0	0	3	0	3
Outside of Mpls	0	0	6	1	6
TOTAL	27	4	33	6	60

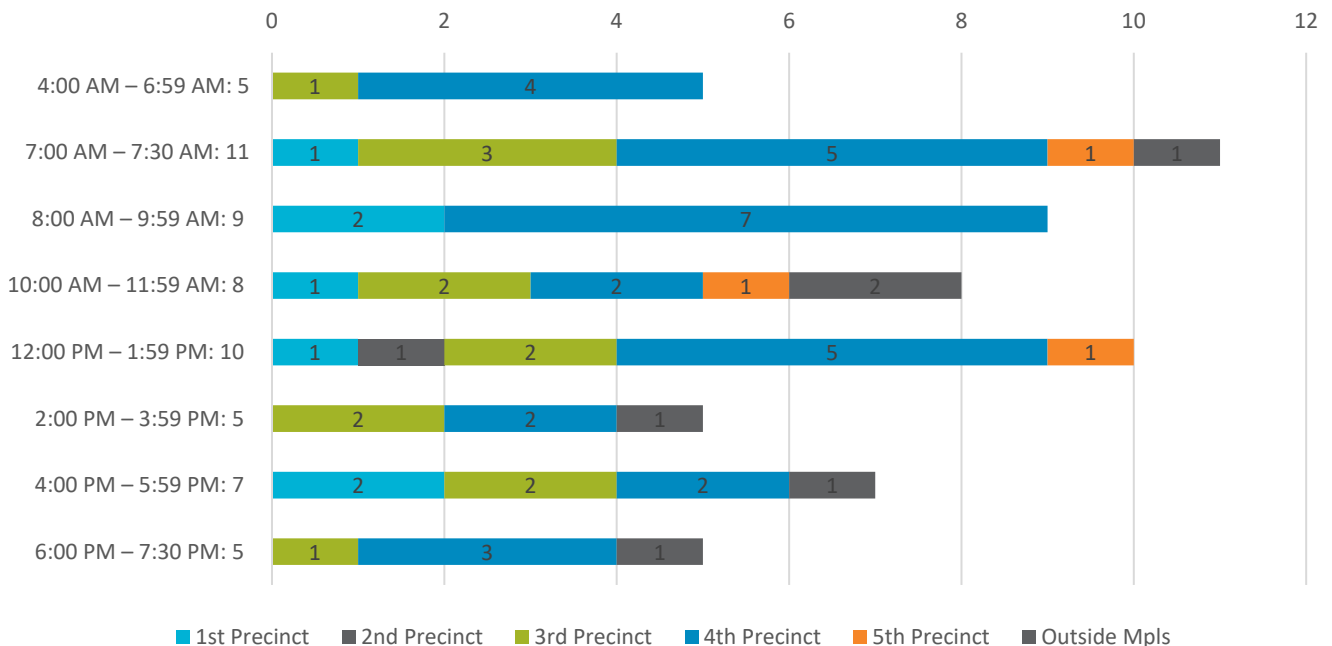
3.2 High-Risk Warrants Served by Precinct Location



4.1 High-Risk Warrants Served by Time of Day and Precinct Location		1 st Precinct	2 nd Precinct	3 rd Precinct	4 th Precinct	5 th Precinct	Outside Mpls	TOTAL
4:00 AM – 6:59 AM	High-Risk (Non-NKW) or Unknown			1				1
	No-Knock Warrant				4			4
7:00 AM – 7:30 AM	High-Risk (Non-NKW) or Unknown					1	1	2
	No-Knock Warrant	1		3	5			9
8:00 AM – 9:59 AM	High-Risk (Non-NKW) or Unknown	1			7			8
	No-Knock Warrant	1						1
10:00 AM – 11:59 AM	High-Risk (Non-NKW) or Unknown	1		2	1	1	2	7
	No-Knock Warrant				1			1
12:00 PM – 1:59 PM	High-Risk (Non-NKW) or Unknown	1	1	1	1	1		5
	No-Knock Warrant			1	4			5
2:00 PM – 3:59 PM	High-Risk (Non-NKW) or Unknown				2		1	3
	No-Knock Warrant			2				2
4:00 PM – 5:59 PM	High-Risk (Non-NKW) or Unknown	2		1	1		1	5
	No-Knock Warrant			1	1			2
6:00 PM – 7:30 PM	High-Risk (Non-NKW) or Unknown			1	1		1	3
	No-Knock Warrant				2			2
TOTAL BY PRECINCT		7	1	13	30	3	6	60

4.2

Time & Location of High-Risk Warrants Served



5.1

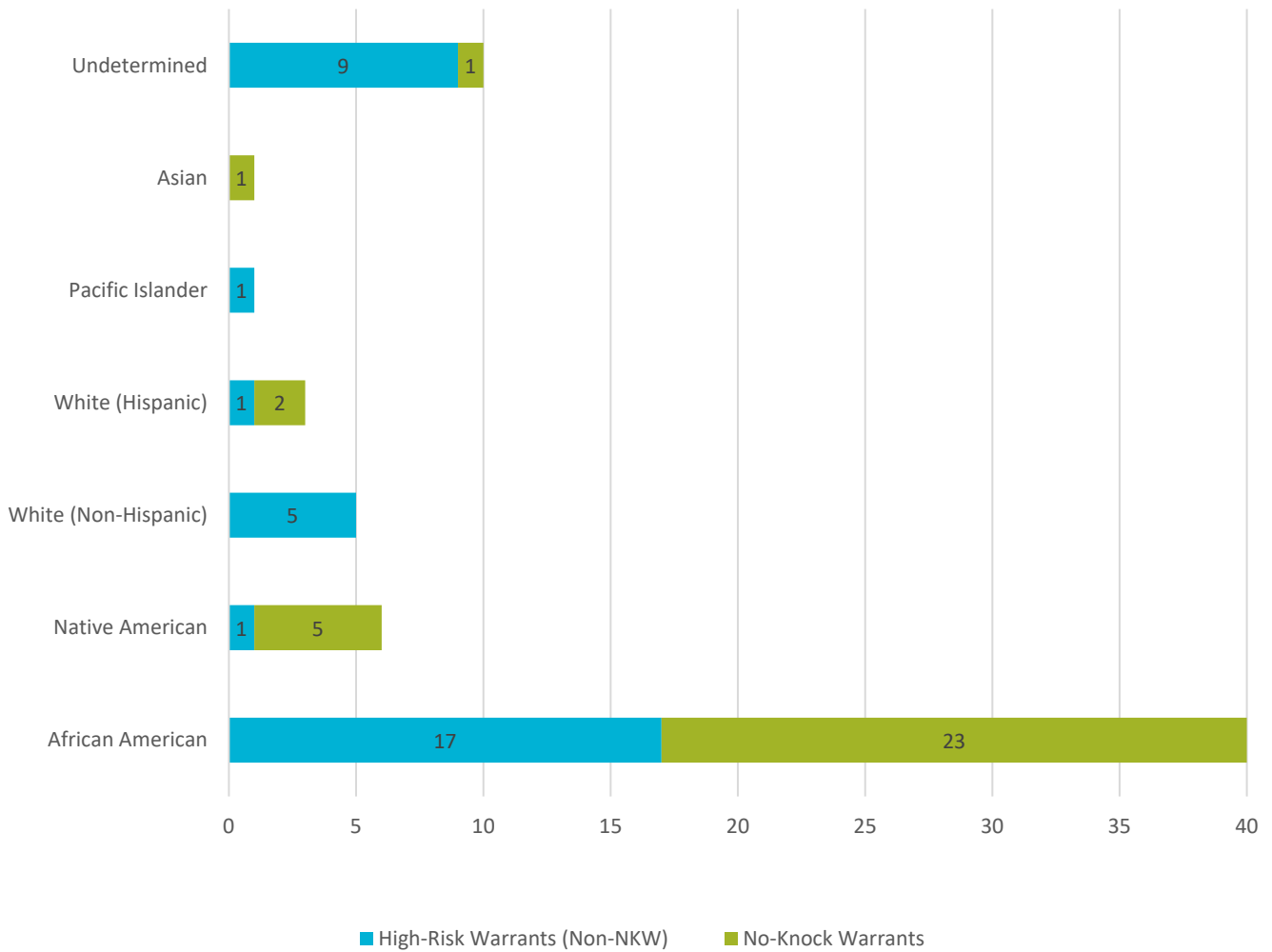
High-Risk Warrants by Subject Demographics

NOTE: A single warrant can list multiple suspects

	No-Knock Warrant (NKW)	Night Capped	High-Risk Warrant (Non-NKW)	Night Capped	TOTAL
African American	23	4	17	1	40
Native American	5	0	1	0	6
White (Hispanic)	2	0	1	0	3
White (Non-Hispanic)	0	0	5	0	5
Asian	1	0	6	0	7
Pacific Islander	0	0	1	0	1
TOTAL	31	4	31	1	62

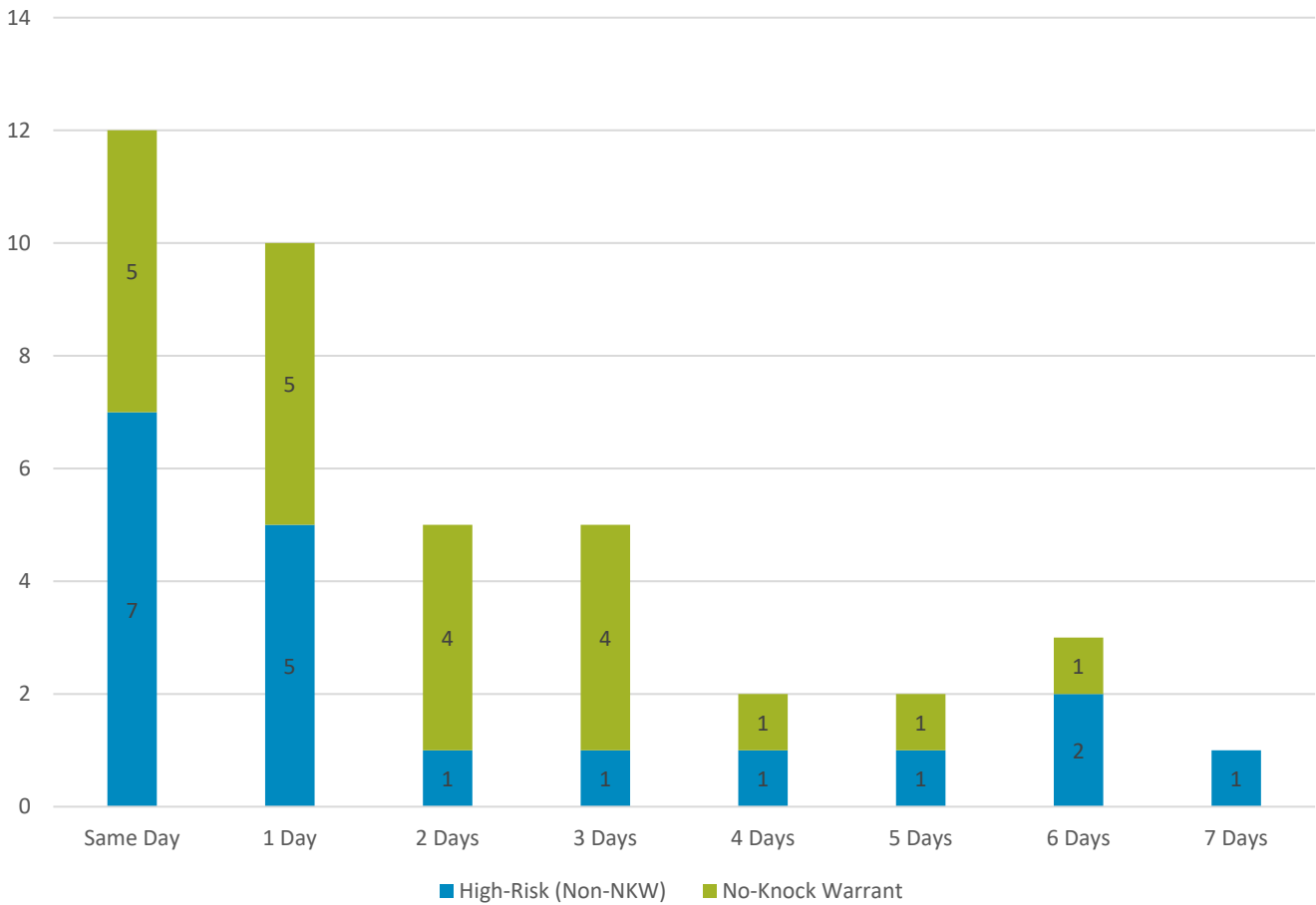
5.2

High-Risk Warrants by Subject Demographics



6.1 Time Elapsed from Warrant Issued to Warrant Executed									
	Same Day	1 Day	2 Days	3 Days	4 Days	5 Days	6 Days	7 Days	TOTAL
High-Risk (Non-NKW)	7	5	1	1	1	1	2	1	19
No-Knock Warrant (NKW)	5	5	4	4	1	1	1	0	21
TOTAL	12	10	5	5	2	2	3	1	40

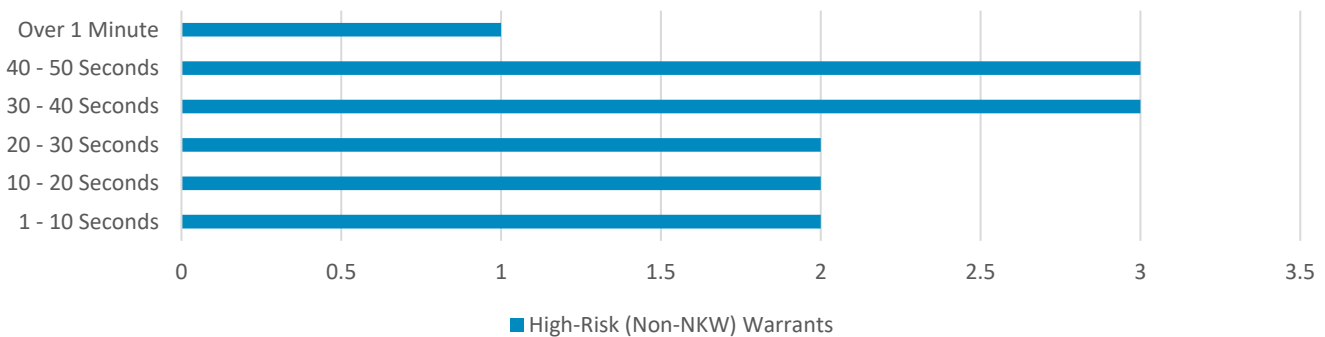
6.2 Time Elapsed from Warrant Granted to Warrant Executed



7.1 Target Home or Arrested Prior when Warrant Served					
	Yes	No	Unknown	Target Arrested Prior	TOTAL
High-Risk Warrant (Non-NKW)	7	2	2	12	23
No-Knock Warrants (NKW)	22	5	1	0	28
Unknown: <i>Additional Review Required</i>	2	1	4	2	9
TOTAL	31	8	7	14	60

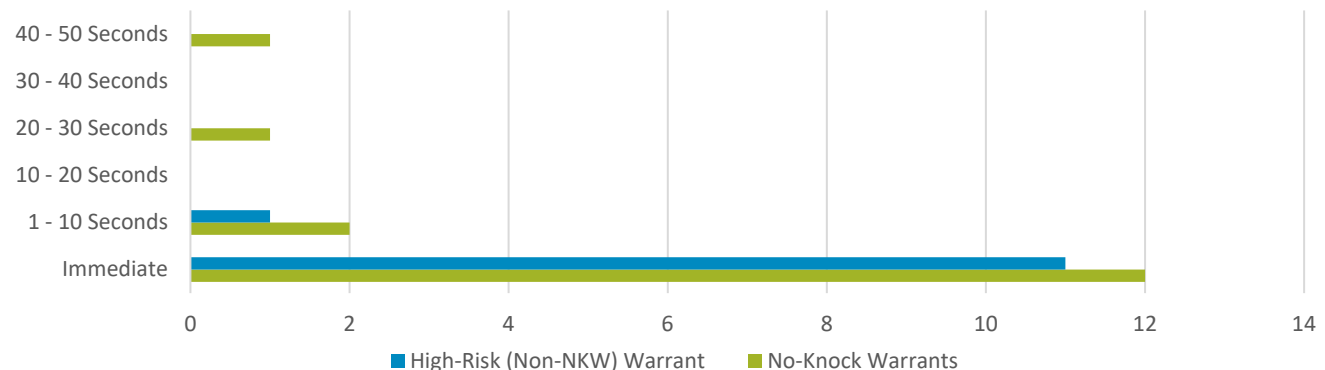
8.1 High-Risk Warrant (Non-NKW) Knock to Entry Elapsed Time			
Elapsed Time	Total Warrants	% of Total	1-30 & 30-60 Categories
1 – 10 Seconds	2	15%	46%
10 – 20 Seconds	2	15%	
20 – 30 Seconds	2	15%	
30 – 40 Seconds	3	23%	46%
40 – 50 Seconds	3	23%	
50 – 60 Seconds	0	0%	
60 Seconds or Higher	1	8%	8%
TOTAL	13		

8.2 High-Risk Warrant (Non-NKW) Knock to Entry Elapsed Time



9.1 High-Risk Warrant Entry to Contact Elapsed Time			
Elapsed Time	No-Knock Warrants	High-Risk (Non-NKW) Warrant	TOTAL
Immediate	12	11	23
1 – 10 Seconds	2	1	3
10 – 20 Seconds	0	0	0
20 – 30 Seconds	1	0	1
30 – 40 Seconds	0	0	0
40 – 50 Seconds	1	0	1
TOTAL	16	12	28

9.2 High Risk Warrant Entry to Contact Elapsed Time



Acknowledgements

Minneapolis Department of Civil Rights Primary Staff Contacts

Acknowledging the following staff for their contributions of time and subject matter expertise on this project:

Ryan Franson, Senior OPCR Analyst - Department of Civil Rights, Office of Police Conduct Review

Christopher Band, Case Investigator - Department of Civil Rights, Office of Police Conduct Review

Nick Barkley, Case Investigator - Department of Civil Rights, Office of Police Conduct Review

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Andrew Hawkins, Chief of Staff - Department of Civil Rights

Alberder Gillespie, Director - Department of Civil Rights

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