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SUBJECT: Search and Arrest Warrant Service Procedures

ISSUED BY: Fernando Solorzano

I. PURPOSE:

To outline duties, responsibilities and training of officers/supervisors assigned to serve and execute search/arrest warrants.

II. POLICY:

It shall be the policy of this department when serving an arrest/search warrant to follow all laws prescribed by The California Penal Code and with consideration of appropriate case law decisions (as referenced by the California Peace Officers' Legal Sourcebook or other relevant material and resources).

All officers involved in the service of a search or arrest warrant are to have completed the listed training prior to executing any search/arrest warrants. Prior approval from the Support Services Division Commander, the Chief of Police, or Division Commander is needed before the service of any search/arrest warrant that includes searching premises. A supervisor of the rank of CSU Long Beach Sergeant or above will be the Team Leader in the service of all CSU Long Beach search/arrest warrants that includes the searching of a premises.

Warrant service likely to involve multiple jurisdictions and/or agencies will be generated using the principles of Incident Action Planning as outlined in the National Incident Management System.

III. PROCEDURE:

**The officer(s) involved in the serving/executing of a search/arrest warrant should follow the guidelines in the following areas.**

(a) Gathering and Verifying Warrant Information

- (1) Officers should gather information regarding their search/arrest warrant from as many sources as possible. The information can be based on hearsay as long as the source of the information is reliable.

- (2) Any information from an informant should be verified before obtaining the search warrant.
  - (3) Perform computer checks (Parole, Probation, Guns, Restraining Orders, etc.).
- (b) Identify Possible/Known Suspect(s) using, but not limited to, the following:
- (1) Background;
  - (2) Weapons History;
  - (3) Vehicles;
  - (4) Children/parents;
  - (5) Gangs;
  - (6) Drug usage;
  - (7) Criminal History
  - (8) Is the suspect a “Third Striker”?
  - (9) Mental illness and
  - (10) Martial arts background.
- (c) Develop and follow a Written Operational Plan
- (1) Scouting/Surveillance to be completed in advance
    - a. Photograph the location to be searched.
    - b. Is there a dog on premise?
    - c. Are there children at the location?
    - d. Any surveillance or security equipment set up by the suspect?
    - e. Any other building/garages/vehicles on the grounds?
    - f. Are the doors fortified?
    - g. Are there any “Look outs”?
  - (2) Diagram the building to be searched and any possible hazards to officers.
    - a. If the building address is present, where is it located and its description?
    - b. If no address is present a complete description of the building including, but not limited to:
      1. What kind of construction/ how many stories;
      2. Color;
      3. Texture;
      4. Is it a brick or vinyl siding;
      5. Places for cover and concealment;
      6. Color of roof and type (wood shingles or Spanish tile);
      7. Number and description of windows.
  - (3) Classifying the Type of Warrant
    - a. Level 1: *Normal Risk*
      1. Expected to be non-violent, or the possibility of violence is unknown, no weapons are known and suspect has no violent history or it is unknown.
      2. There is easy access to the location and it is unknown if the structure is fortified.

- b. Level 2: *High Risk*
    - 1. If the suspect is believed to be uncooperative or if a violent crime precipitated the warrant.
    - 2. The structure is fortified.
  - c. Level 3: *Special Weapons Unit Deployment*
    - 1. Suspect is most likely armed and resistance is anticipated.
    - 2. The location is heavily fortified.
    - 3. Tactics and equipment to gain entry are beyond the resource capability of our agency.
- (4) Methods of Service
- a. Dynamic Crisis entry - Forced entry designed to take suspect by surprise.
  - b. Non-Dynamic Crisis entry—after obtaining access to the structure don't "Charge right in") Used when elements of dynamic entry are lost and stealth is required (suspect knows you are at the location).
  - c. Breach and delay entry - After entry is made the suspect is given a chance to surrender.
  - d. Covert Stealth entry - Used when the suspect is asleep, unconscious or doesn't know you are on scene.
  - e. Surround and call out - Used with an arrest warrant if you have the time and personnel available.
- (5) Legal Requirements include following all laws prescribed by the California Penal Code and case law decisions. When appropriate, it is strongly recommended that case agents review/consult the California Peace Officers Legal Sourcebook or other case-law resource materials.
- (6) Briefing responsibilities will be assigned and all questions will be answered.
- a. All intelligence should be discussed.
  - b. Each team member should have a copy of the operational plan. (It should be returned to the team leader at the end of the operation)
  - c. Discuss the location to be searched and its description/hazards.
  - d. Give a description of any suspects and intelligence information about them.
- (7) Object of warrant – What type of information/evidence will be searched for as specified in the Warrant.
- (8) Equipment to be utilized for the service of search/arrest warrants.
- a. All officers will be clearly identified as Police Officers.
  - b. All specialized equipment to be used will be identified by the team leader and approved for use by the Chief or Field Services Division Commander.
  - c. All officers will check to ascertain if their personal equipment is in working order prior to leaving briefing.
  - d. All equipment will be accounted for before leaving the structure searched.

- e. These tools will only be utilized to assist the CSU Long Beach Police in a way to reduce injury and liability to themselves and the occupants of the premise to be searched.

(9) Route of Travel

- a. The team leader will ensure that all drivers will know the route to the staging area and or location to be searched.
- b. All drivers will be given a route from the location to be searched to the nearest trauma hospital in the event of an emergency.

(10) Communications

- a. All officers involved in the service of the warrant will be on the same radio frequency.
- b. All officers will know the basic hand signals to be able to communicate with each other.

(11) Contingencies - Discuss the following issues and develop a plan of action:

- a. Officer shot;
- b. Fire/Paramedics;
- c. Explosion;
- d. Hostages;
- e. Officer attacked by suspect;
- f. Wait for an ambulance or drive victim officer to hospital?

(12) Final Preparations

- a. Resolve any un-answered questions
- b. Perform a final check of equipment.
- c. Make all appropriate notifications.
  - 1. Chief/ Division Commander;
  - 2. Outside agency (request for mutual aid if needed); and
  - 3. Contact observation post, if established.

(d) Service of Warrant

(1) Caravan

- a. All vehicles will travel as a team.
- b. If a vehicle gets separated the team will wait until they catch up.
- c. All vehicles will arrive at the search location at the same time.
- d. The news media will not accompany officers on the service of any warrants.

(2) Deployment (the number of personnel and equipment to be used) will be determined by the Team Leader.

(3) Entry Techniques - Will be determined by Team Leader, but will follow the guidelines listed above (see Methods of Service).

- (4) Room Clearing and Suspect encounters
  - a. Rooms will be cleared (searched) according to approved training methods (see attached training).
  - b. When an officer encounters a suspect he will control that suspect so other officers can continue the search.
  - c. If the suspect is uncooperative or offers resistance do not engage him by yourself. Have additional officers assist putting the suspect to the floor and handcuffed as soon as possible.
  - d. Only after the suspect has been handcuffed and the building secured should he be searched.
  
- (5) Location secured
  - a. Once the building is secured have the search team re check the building again to ascertain if any other suspect(s) have been missed.
  - b. The Team Leader will designate officers to process the Suspect(s).
  - c. The Team Leader will designate a search team for evidence collection.
  - d. Any equipment used during the service of the search warrant will be accounted for.
  - e. Video tape the building to be searched to show the condition of the building before the search.
  - f. Serve the warrant on the responsible party or if a search warrant leave it in a visible area.
  
- (6) Post search warrant
  - a. Photograph suspects and evidence located.
  - b. Video tape the residence prior to leaving.
  
- (e) Debriefing (A learning environment)
  - (1) Identify strengths and weaknesses
  - (2) Suggestions for improvement
  - (3) Was Information/Communication Good?
  - (4) Legal Issues
    - a. Inventory (leave a copy of items seized)
    - b. Return to Search Warrant will be completed within the 10-day order of the court.
  
- (f) Loss or Damage of Property of Another
  - (1) Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages, causes to be damaged any real, or personal property of another while performing any police functions, whether in or outside the jurisdiction of the CSU Long Beach Police, shall report it as provided below.
    - a. Verbal report required - As soon as circumstances permit, the involved officer shall make a verbal report to his/her supervisor.
    - b. Written report required - The officer shall submit a written report before he or she goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

- c. Damage by Person(s) of another Agency
    - i. If employees of another jurisdiction cause damage to real or personal property belonging to the CSU Long Beach, it shall be the responsibility of a CSU Long Beach Police Officer present to make a verbal report to his immediate supervisor as soon as circumstances permit.
    - ii. The officer shall submit a written report before going off duty or as otherwise directed by the supervisor.
  - d. These written reports, accompanied by supervisor's written report, shall be forwarded to the Support Services Division Commander or Chief, as soon as possible.
  - e. It will be the responsibility of the Chief or Support Services Division Commander to notify the CSU Long Beach Office of Safety & Risk Management of any potential liability to the CSU Long Beach.
- (g) Training--Each CSU Long Beach Police Officer assisting in the service of search or arrest warrants, and/or searching premises to locate suspected persons or evidence for prosecution of a criminal offense shall receive the following training:
- (1) The Department Training Manager will see that warrant service training subjects including the following are provided for each police officer:
    - a. A review of this General Order
    - b. The Department's Use of Force Regulations
    - c. Warrant Service Operations Plan development
    - d. Building search and arrest techniques
    - e. Legal resources (i.e., case law manuals, criminal code references, City Prosecutor and District Attorney roles and information)
  - (2) The Department Training Manager shall assign regular, briefing training segments concerning these subjects.
    - a. These reviews will be archived via the Training Calendar Program.
    - b. These reviews will be composed in cooperation with the recommended subjects matter by the Investigative Services Bureau Sergeant.

#### IV. Policy Review

The Support Services Division Commander will review the effectiveness of Departmental and other source trainings, and facilitate the appropriateness of all sections of this General Order.

APPROVED