

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

SEARCH WARRANTS
SUBJECT

DATE: March 10, 2009

NO: Q-2

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: Search Warrant
Searchable Clauses
Exigent Circumstances
Assistance from SWAT

I. POLICY

A. EXECUTION OF SEARCH WARRANTS

It is the policy of the Stockton Police Department to serve search warrants in accordance with all current laws. The service of search warrants will be carried out on a basis of safety first. The safety of the public and department personnel involved will take precedence over the apprehension of wanted persons or recovery of contraband. Concern and respect for the civil rights and dignity of those persons upon whom the warrants are served or with whom our officers come in contact during such service is required of all police personnel.

II. PROCEDURE

A. PREPARATION OF FILE MATERIAL (DOSSIER):

1. During the development of a search warrant, the investigating officer will take adequate time to prepare a complete file. The file will contain all available information, including criminal history, photographs, pertinent daily reports, gun registrations, pawn records, driver's license information, address information, surveillance information (including movement of people and vehicles to and from the search location, in and around the location), and any other information available to justify a search action at this time.
2. Every attempt will be made through the use of a confidential/reliable informant(s), surveillance intelligence information and any other resources to obtain all current information possible about the place to be searched. This will include information pertaining to the following:
 - a. Number of persons and their ages.
 - b. Layout of premises.
 - c. Backgrounds of involved individuals.
 - d. Any past threats against law enforcement officers.
 - e. Probability of firearms, type, location.
 - f. Amount, type, and location of contraband.
 - g. Suspect's probable action in the event of a search warrant service.
 - h. All other pertinent data relating to the particular case.
 - i. Dogs (Contact Animal Control for any history.)
3. In all cases, the investigating officer will be responsible for the completion of the Stockton Police Department "SEARCH WARRANT CHECKLIST" prior to serving a search warrant. Completion of the "SEARCH WARRANT CHECKLIST" may be waived due to exigency, emergency, or other special circumstances (i.e. suspect in custody and scene secured by

officers) with prior approval of the responsible Division Commander and the SWAT Commander or SWAT Sergeant.

4. When practical, officers responsible for securing the search warrant will videotape the premises where the search warrant is to be served. This videotape is to be shown to all officers present during the briefing with the SWAT Team prior to the service of the warrant.
5. Copies of all search warrants, search warrant returns, photographs, search warrant dossiers, videos, and checklists will be kept in a search warrant file located in the division/section conducting the investigation.

B. UNIT SUPERVISOR AND COMMANDER REVIEW:

The information file, the search warrant, and the search warrant checklist will be reviewed by the unit supervisor with the investigating officer for completeness. The unit supervisor and Division Commander (or Section/Watch Commander if the Division Commander is unavailable) will sign off on page one of the search warrant checklist to indicate the information has been reviewed and approved. The unit supervisor and commander will then make a determination regarding the unit making "entry" while serving the warrant or requesting assistance from SWAT for entry. If the unit supervisor and Division Commander feel the circumstances are not compatible with the unit's objectives, sound police procedures, or other similar reason, the warrant will not be served.

C. UNIT SUPERVISOR'S PRESENCE WHILE SERVING WARRANT:

Whether SWAT or the investigating officer's unit makes the initial entry, the investigating officer's supervisor will be present at the time of service. In the absence of the unit supervisor, and with approval of the Watch Commander, a patrol sergeant may be used.

In the case of multiple warrants being served at one time, the unit supervisor will designate a team leader to serve in his or her place; however, the unit supervisor will be immediately available by radio.

III. USE OF SWAT FOR WARRANT SERVICE

A. USE OF SWAT:

The Stockton Police SWAT Team will be utilized for all search warrant services unless authorized and cleared by the Division Commander, or his or her designee, of the unit initiating the service. In the absence of the Division Commander, the determination not to use SWAT may be made by the Watch Commander.

1. When making the decision to not use SWAT, the Commander will consider the particular circumstances, potential threats against officers' safety, exigency, or emergency need to serve the warrant.

Consideration will also be given to tactics other than the use of SWAT to ensure the minimum use of force and/or threat to the public is employed to safely accomplish the search/arrest.

2. When SWAT is not utilized, the Division Commander or his or her designee making that decision will sign off the Stockton Police Department Search Checklist in the space designated "Commander's approval to not utilize SWAT."

B. REQUESTING SWAT:

1. The SWAT Commander shall be contacted with the request to arrange for search warrant service.
 - a. The SWAT Commander is to be notified of all multiple warrant services, night-service warrant requests, and outside agency warrant requests; when a specific significant dangerous situation exists; or when there is any question as to whether the warrant should or should not be served.
 - b. The appropriate Deputy Chief will be involved in the review and approval of all night-service warrant requests and can be called, if necessary, to address any of the issues listed in the preceding paragraph.

- c. If the SWAT Commander or SWAT Sergeant feels the circumstances are not compatible with SWAT tactics, public safety, officer safety, the dossier is incomplete, or this policy is not being followed, the warrant will not be served.
 - d. When the SWAT Team is used, the SWAT Commander/supervisor will be responsible for reviewing and signing off the Search Checklist.
 - 2. Personnel needing the assistance of SWAT will make their request as far in advance as possible, preferably providing at least a 24-hour notice. They will also advise the SWAT Sergeant of the anticipated length of time SWAT will be needed.
- C. **SWAT TACTICS:**
 - 1. The SWAT Commander or SWAT supervisor will designate the tactics, type of weapons/equipment, and the number of personnel to be used. Contemporary tactics approved by the SWAT Commander will be used.
 - A briefing will be conducted with SWAT personnel and the investigating officer(s) or his or her representative(s).
 - 2. A uniformed officer in a marked police unit will be used at the scene of the warrant service unless the SWAT Commander or SWAT supervisor deems it unnecessary. This assistance will be coordinated with the SWAT supervisor and will usually consist of a visible presence outside the warrant service location. The emergency lights on the police unit will be activated when the knock-notice notification begins. The uniformed officers will remain with the police unit during the warrant service unless otherwise directed by the SWAT supervisor or an on-scene emergency unit forces them to move. The assisting officer(s) should not approach or enter the search location unless specifically directed by a SWAT officer at the scene. If a marked unit is not utilized, the reason will be noted on the SEARCH WARRANT CHECKLIST.
 - 3. Non-SWAT personnel are to remain out of the immediate area until notified by the SWAT supervisor that entry has been made and the residence or business is secure. Once this is done, the investigating officers of the appropriate division will then assume responsibility for the scene, and SWAT personnel will be released.

IV. SERVICE WITHOUT USE OF SWAT

- A. When authorization has been given to serve a search warrant without the use of SWAT, the Division Commander (or his/her designee) will be responsible for developing a plan to serve the warrant safely. The following will be adhered to:
 - 1. The on-duty Watch Commander will be notified.
 - 2. A briefing will be conducted by the unit supervisor, and all involved personnel will be advised of the plan and contingencies upon resistance or assault.
 - 3. The unit supervisor will ensure there is ample personnel present for the circumstances. If the warrant service location is a building, residence, or business, a minimum of four officers and the supervisor must be present.
 - 4. The rear exit will be covered as needed. Front and rear doors will not be entered simultaneously by non-SWAT personnel.
 - 5. "Shots Fired" tactics will be determined by the situation, with safety being the most important factor.
 - 6. Officers who have gained entry and have secured the interior of the premises will then notify those outside that they have secured the premises and it is safe to enter.
 - 7. A uniformed officer in a marked unit will be used at the search location unless deemed unnecessary by the unit supervisor or Division Commander. The assistance will be coordinated with the unit supervisor and will usually consist of a visible presence outside the search location. The uniformed officer can also be used to assist at the location of entry where the knock-notice is given. The decision not to use a marked unit will be documented on the SEARCH WARRANT CHECKLIST.

V. FIREARMS AND EQUIPMENT AUTHORIZED FOR SEARCH WARRANT SERVICE

- A. During the service of a search warrant, all personnel will wear their department-issued service weapon (SIG P226 or P239), loaded with departmental-approved ammunition. Waist and shoulder holsters will be allowed. Shotguns and M-16's may be used when deemed reasonable by the entry team supervisor.
- B. Ankle holsters will be worn as a backup holster only.
- C. Bulletproof vests will be worn by all officers involved in the service of a search warrant . If the vests are not clearly marked with "Police" identification, a police windbreaker will also be worn for identification purposes. The vests and windbreakers will remain on while at the premises and will only be removed with authorization from the unit supervisor.
- D. SWAT personnel will wear their standard uniform (black BDU shirt and pants, helmet, and bulletproof entry vest) during all SWAT operations. Equipment, weapons, and any variation in standard uniform will be cleared by the SWAT Commander or the on-scene SWAT supervisor.

VI. COMMUNICATION

- A. Radio communications among all involved personnel will be established and coordinated with the Command Center.
- B. Unless circumstances dictate otherwise, the unit supervisor and/or SWAT supervisor will coordinate with the Command Center supervisor in advance for radio channel assignment, monitoring, call history, etc.

VII. NOTIFICATION OF SEARCH

A. WITHIN THE CITY LIMITS BY STOCKTON POLICE PERSONNEL:

The Division Commander, or his or her designee, will be advised when a search warrant of a residence or business is to be conducted. AT ALL TIMES, THE UNIT SUPERVISOR WILL ADVISE THE ON-DUTY WATCH COMMANDER. If SWAT is used, the SWAT supervisor will also advise the Watch Commander.

The on-scene supervisor will advise the Watch Commander when the search is completed and inform him/her of the results.

B. OUTSIDE THE CITY LIMITS BY STOCKTON POLICE PERSONNEL:

- 1. Search warrant service outside the city limits will be preceded by the responsible division notifying the outside jurisdiction's Watch Commander or their appropriate Division Commander, of the time, date, and location of the search. This information will be documented on the SEARCH WARRANT CHECKLIST. This notification will be made as far in advance as possible, with regard to sound police practice and operation security.
- 2. A representative of the appropriate jurisdiction should be requested to represent that agency during the entry and search. (The agency is not required to send a representative, but one will be requested.)
- 3. The Stockton Police Department Watch Commander will be notified.

C. WITHIN THE CITY LIMITS BY OUTSIDE AGENCIES:

When a search warrant is to be conducted within the city by another jurisdiction, this department will request the other agency notify both the department's appropriate division(s) and the Watch Commander prior to the action. This department will assign a representative to be present during all such searches within the city.

- 1. If at all possible, a sergeant or a higher-ranking officer from the appropriate division will be the department's assigned representative. A Field Services Division Sergeant will be assigned if the appropriate division is unable to assign its own representative.

2. Should the outside agency request our department's assistance with a SWAT team, the Division Commander or the Watch Commander will evaluate and coordinate the appropriate course of action. This will include a review of the outside agency's justification for an entry and/or search by our department's personnel. This review will be conducted by an appropriate Stockton Police Investigations Sergeant or Narcotics Sergeant, whichever is most applicable. If, for any reason, our personnel feels there is inadequate justification or it does not meet the standards of our own policy, Stockton Police personnel will not be used.
3. The Watch Commander will notify the appropriate Division Commander of the pending search prior to its service to ensure no conflict exists with a current Stockton Police investigation.
 - a. The outside agency lead investigator in the case will complete a Stockton Police Department SEARCH WARRANT CHECKLIST prior to the search. This checklist will be reviewed by the SWAT Commander or SWAT supervisor and the Stockton Police supervisor assigned to review the justification for entry and/or search.
 - b. After normal work hours, outside agency requests to serve a search warrant in our jurisdiction will have the search warrant checklist reviewed and signed off by the on-duty Watch Commander and SWAT Commander.
4. When the Stockton Police Department's SWAT team is not used in the service of a search warrant requested by an outside agency, members of the Stockton Police Department will not actively participate in the initial entry of the residence or business unless such member is specifically assigned to that agency and under the supervision thereof. Instead, members of our department will remain at a safe distance until the location is deemed secure and safe to enter. Officers from the Stockton Police Department will not be at the front door, point of entry, or in the backyard of the service location. Members of our department will wear their bulletproof vest and I.D., with the "Police" windbreaker if not in full uniform.

VIII. SERVICE/SEARCH

- A. Prior to actual service, the unit supervisor and, if applicable, the SWAT supervisor will take every reasonable precaution to make certain the premises listed in the search warrant are, in fact, the premises sought to be entered and searched. In the event of any confusion and/or doubt as to the correct premises, no entry will be made until the correct location is verified.

The unit supervisor will assign personnel to surveil the search location prior to the entry team's arrival and will provide the entry team with any updated information. Every effort will be made to determine the person(s) listed in the search warrant affidavit is present at the time the search warrant is served.

- B. The unit supervisor or, if applicable, the SWAT supervisor will designate an entry team officer to announce the team's presence to persons inside the residence in a loud and clear voice so as to be heard inside the search location (Knock and Notice).

The officer will announce that he or she is a peace officer, has a search warrant and will demand immediate admission to the premises.

1. Entry may be made by force should it be denied by persons within the dwelling or business, or when there is no response to the knock and notice within a reasonable amount of time. A reasonable amount of time will be determined by current case law. Prior specific information related to officers' safety, number of persons present, and items to be searched for will be considered when determining the amount of time to wait prior to an entry.
2. The announcement of authority need not be made under certain circumstances pertaining to current "no knock" case law. This usually involves officer safety or destruction of evidence based upon officer's prior specific knowledge.
3. All persons posing a threat at the scene will be handcuffed until the scene is secure. The unit supervisor will then determine, as soon as practical, whether to remove the handcuffs from persons who are not posing a threat to officer safety and/or do not present an

unreasonable potential for escape.

4. Prior to the search, the unit supervisor will make specific assignments as to the "evidence collector" and the packaging, sealing, marking, and taking possession of all items seized at the search site. The supervisor will ensure there are sufficient personnel to accomplish the search task.
5. With the site secured, the search will occur in an orderly manner. A minimum of two officers will remain together during the search process, and teams should cross-search each other. SWAT officers will not participate in the search/custodial duty process unless specifically assigned by the SWAT Team supervisor.
6. It is mandatory that the division responsible for securing the search warrant document the condition of the residence, business, or other building where a search warrant is served. Officers serving search warrants must photographically document the condition of the premises before and after a search is conducted. The photographic documentation can consist of still photographs or videotape.
7. A copy of the warrant will be given to the occupants or left in an appropriate place within the dwelling or business if the premises are vacant. If exigent circumstances prevent leaving or showing the occupants a copy of the search warrant, the unit supervisor will ensure the occupant understands the search warrant service and will answer questions appropriate for the circumstances. The unit supervisor will ensure the occupant or person responsible for the premises receives a copy of the warrant as soon as practical and, in no case, no later than one (1) day after the warrant is served.
8. The lead investigator will convey the purpose of the search to the occupants and will notify them the search has been authorized by a judge. In addition, the lead investigator will advise the occupants how to initiate a procedure to contest the seizure or seek return of the property.
9. The search will be conducted in a courteous, professional, and nondestructive manner to the extent the circumstances deem possible. Any disarray caused by searches will be minimized prior to the departure of the search team. Unnecessary destruction of personal property during searches is prohibited.
10. The search will be terminated once it is determined all items listed in the warrant have been found or it reasonably appears the persons or items are not on the premises.
11. Prior to departure, a receipt will be prepared of all items seized and will be reviewed with the occupant. This receipt will be signed by the evidence collector and the occupant. A copy of the receipt will be left at the premises. If the occupant is in custody, the receipt may be completed and given to him or her at the police facility.
12. A complete record of the important features of the search must be made, including the time service began, circumstances of entry, who was present at the time of entry, the names of the entry and the search team, and the names of those occupying the search site. The investigating officer will ensure that any damage or disarray caused by our department will be documented, as well as who took charge of the business or residence upon our personnel's departure. This will be documented in the crime, arrest, or significant incident report, whichever is applicable.

IX. SCENE RESPONSIBILITY

- A. SEARCH WARRANTS SERVED WITHOUT THE USE OF SWAT:
 1. Scene responsibility rests with the supervisor of the investigative unit serving the warrant.
 2. Should a critical incident occur, scene responsibility rests with the supervisor of the investigative unit serving the warrant. The investigative supervisor will immediately secure the scene of the incident and not relinquish responsibility until the on-duty Watch Commander assumes command.

3. The Watch Commander will take charge of the incident and direct/coordinate all scene activities: e.g., prisoner/witness coordination, scene security, log activities, arrival of Department investigative units, and department call-outs as needed. The Watch Commander will maintain overall command of the incident unless specifically relieved by a higher authority.

B. SEARCH WARRANTS SERVED WITH THE USE OF SWAT:

1. Initial scene responsibility rests with the SWAT supervisor until successful entry has been made and the residence/building has been cleared. Once entry has been successfully made, the SWAT supervisor will turn the scene responsibility over to the investigative unit supervisor serving the warrant. The SWAT supervisor will remain at the scene until a complete transition of the scene is accomplished.
2. Should a critical incident occur, scene responsibility rests with the SWAT supervisor. The SWAT supervisor will immediately secure the scene of the incident and not relinquish responsibility until the on-duty Watch Commander assumes command.
3. The Watch Commander will take charge of the incident and direct/coordinate all scene activities: e.g., when SWAT can be relieved, prisoner/witness coordination, scene security, log activities, arrival of department investigative units, and department call-outs as needed. The Watch Commander will maintain command of the incident unless specifically relieved by a higher authority.

X. SEIZURE OF ASSETS/MONIES

- A. The supervisor will be responsible for ensuring proper accounting, disposition, and booking of the monies, property, or assets seized by subordinate personnel.
- B. Any monies or items seized relative to asset forfeiture will be brought to the attention of the unit supervisor. Property/assets will not be seized without supervisor approval.
- C. When seizing money, every effort will be made to photograph the money prior to moving it. Monies will be placed in a secure package prior to transporting. When dealing with large sums of money, the supervisor will pay special attention to ensuring proper handling and adherence to the chain of custody.
- D. The procedures for the seizure of assets will be in accordance with General Order G-7.

XI. RELEASE OF PROPERTY

The release of items taken during a search warrant will be in accordance with General Order G-1, Property Disposition and Retention.

Signatures of:
Investigator
Supervisor
Commander
SWAT

Notification of (Name of Person Notified):
Watch Commander
Jurisdiction (Name and Phone)
Command Center (Supervisor)

STOCKTON POLICE DEPARTMENT
SEARCH CHECKLIST

1. Type of Search

- A. Search Warrant - Signed by JUDGE _____, date _____
- B. Parole Search - Parole Officer _____
- C. Probation Search - Probation Officer _____
- D. Searchable Clause - Searchable Waiver until _____

2. Premises to be Searched

- A. Address: Number _____, Street _____ Apt.# _____ City _____
- B. Type of Premise: House _____ Business _____ Apartment _____ Other _____
- C. Utility Check - Utility: _____ Name of Service: _____
- D. Phone Number Check - Phone Number (____) ____-
Listing _____ Published _____ Non Published
- E. Description of Premise _____

- F. Layout _____
- G. Additional suspects, known occupants, and associates: Attachments if applicable _____
- H. Fortified - Yes__ No__ Description _____
- I. Dogs - Yes__ No__ Location _____
- J. Calls for Service Check for the Past 30 Days for Search
Location. Yes ____ (Attach printout) No ____

3. Person(s)

- A. Name: _____ D.O.B.: _____
Race: _____ Height: _____ Weight: _____
Other Description: _____
- B. Name: _____ D.O.B.: _____
Race: _____ Height: _____ Weight: _____
Other Description: _____
- C. Photo: _____ Rap: _____ Record Check _____
- D. Criminal History _____
- E. History of Violence _____
- F. Habits _____
- G. Vehicle(s): License# _____ State _____ Year _____ Make _____
Model _____ Style _____ Color _____
- H. Drivers License Record/Copy _____ Attachment _____
- I. CORRELATION BETWEEN SUSPECT AND LOCATION TO BE SEARCHED (DESCRIBE IN NARRATIVE FORM).

J. Information Gathered During Surveillance.

K. Reasons Suspect and Items To Be Seized Are Thought To Be At Location At Time of Service.

4. Weapons

- A. History_____
- B. Gun Registration Check_____
- C. Type of Weapon_____
- D. Where Located_____
- E. In Vehicle_____ Worn on Subject_____
- F. Pawn Information_____

5. Narcotics

- A. Type_____
- B. Layout of Premises_____
- C. Threats on Officers_____
- D. Firearms-Type_____
- Location_____
- E. Amount/Location of Contraband_____
- F. Raid Planning by Suspect_____
- G. Other Information_____

6. Investigation Team

- A. Supervisor_____
- B. Search Team: (1)_____ (2)_____ (3)_____
- (4)_____ (5)_____ (6)_____
- C. Special Equipment_____
- D. Evidence Collector/Recorder_____
- E. Type of Entry_____

7. SWAT - Yes__ No

Special Circumstances_____

8. Division Commander's Approval to Not Utilize SWAT

(Signature)_____