

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the San Leandro Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 TRAINING

The Professional Standards and Training Unit should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.4 TACTICAL OPERATIONS COMMANDER

The Tactical Operations Commander will have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

If warrants are categorized as non-high risk, the designated Incident Commander will have the responsibility of coordinating the service of those warrants. Nothing in this policy precludes a Division Commander from consulting with the Tactical Operations Commander in non-high risk warrant service.

607.5 SEARCH WARRANTS

Officers should consult with a supervisor before preparing a search warrant application. Officers assigned as case agents shall complete a risk assessment form as outlined in the Operations Planning and Deconfliction Policy.

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607.6 NO-KNOCK WARRANT

A no-knock warrant is a warrant signed by a judge or magistrate at the request of a peace officer authorizing officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises.

The use of no-knock warrants could lead to situations that endanger members of the community and police officers and are therefore prohibited.

This policy in no way restricts officers from lawfully entering premises in the case of emergent exigent circumstances such as protecting life.

607.7 HIGH-RISK WARRANT SERVICE

The Tactical Operations Team Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall determine the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following are applicable and are included in the Tactical Operations Plan:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so in accordance with the PVRS policy.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

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607.8 ARREST WARRANTS

Officers assigned as case agents shall complete a risk assessment form as outlined in the Operations Planning and Deconfliction Policy.

The assigned Commander should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.9 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Bureau of Operations Captain, or designee, will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment

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- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the on-duty watch commander. The Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Commander should ensure that members of the San Leandro Police Department are utilized appropriately. Any concerns regarding the requested use of San Leandro Police Department members should be brought to the attention of the Bureau of Operations Captain. If the Watch Commander determines the service of the warrant is high risk, the procedures outlined in the Operations Planning and Deconfliction Policy will be followed. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If officers intend to serve a warrant outside San Leandro Police Department jurisdiction, the commander overseeing the operation should ensure reasonable advance notice is provided to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the San Leandro Police Department when assisting outside agencies or serving a warrant outside San Leandro Police Department jurisdiction.

607.11 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Names and circumstances of those detained, shall be documented in the case report. Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.12 ACTIONS AFTER WARRANT SERVICE

The Division Commander shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

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607.13 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.