



EXECUTION OF SEARCH AND FELONY ARREST WARRANTS

A. POLICY STATEMENT

It is common for criminals to carry out their activity in multiple jurisdictions, or to live in one jurisdiction while committing their crimes in another. As a result of this activity, law enforcement agencies often times find themselves in a position where they must coordinate their efforts with one or more allied agencies. In order to facilitate a smoother working environment for the involved police agencies, and to minimize the safety risks to their personnel and the public, the chiefs of police in Contra Costa County have developed a formal protocol to guide their personnel in these matters. The Concord Police Department is committed to extending the utmost cooperation to other law enforcement agencies.

B. GENERAL

1. On December 14, 1987, a policy guideline was adopted by the Contra Costa County Chiefs of Police Association for the service of search and felony arrest warrants.
2. The policy guideline, which is entitled "Interagency Execution of Search and Felony Arrest Warrants," is attached to this procedure.
3. It shall be the policy of the Concord Police Department to adhere to the guidelines of the "Interagency Execution of Search and Felony Arrest Warrants" guidelines.
4. Only sworn members of the Concord Police Department shall actively participate in the service of search warrants and felony arrest warrants.

C. SUPPLEMENTAL DEPARTMENTAL REQUIREMENTS

1. The Interagency Execution of Search and Felony Arrest Warrant policy permits agencies to make minor modifications and/or to incorporate additional requirements in their departmental rules and regulations.
2. Supervisory Involvement
 - .1 It shall be the policy of the Concord Police Department to require that a Concord Police Department supervisor be present:
 - .01 During the execution of any search warrant, or felony arrest warrant, in which the Concord Police Department is the service agency; or

- .02 Where the execution of a search warrant, or felony arrest warrant, occurs within the City of Concord and the service agency is one of the signatories of the policy guideline entitled "Interagency Execution of Search and Felony Arrest Warrants."
- .2 In instances where the Concord Police Department is the service agency, the supervisor shall:
 - .01 Review the tactical plan with the officer in charge to ensure that it is appropriate for the situation and addresses all anticipated officer safety concerns.
 - .02 Ensure the policies and procedures of the Concord Police Department are adhered to.
 - .03 Ensure that large amounts of cash and/or contraband are properly collected.
 - .. Make sure there is no conflict with other agencies/investigations: WISN check, etc.
 - . Notify the on-duty Watch Commander or highest ranking supervisor if there is no Watch Commander on-duty.
- .3 In instances where the Concord Police Department is not the service agency and the search or felony arrest warrant is being executed in the City, the supervisor shall:
 - .01 Arrange for any assistance to the service agency as outlined in the policy guideline.
 - .02 Review the tactical plan with the officer in charge and strive through discussion to reach concurrence as to the manner in which the warrant is to be served.
 - .03 Where concurrence is not achieved, the supervisor shall further discuss his/her concerns with the on-duty Watch Commander, who shall, in turn, ensure that the supervisor's concerns are communicated to a superior officer from the service agency.
 - .04 In the event concurrence is still not achieved, the Watch Commander shall notify the Field Operations Division Commander of any instance in which concurrence cannot be obtained.
- .4 In instances where the Concord Police Department agrees to accept the booking and housing of arrestees for the service agency, the supervisor or Watch Commander shall inform the officer in charge of the search/arrest of the Concord Police Department policy regarding the housing of male and female arrestees, as stated in Procedures 3, 10 and 47.
- .5 It shall be the policy of the Concord Police Department to require that a Concord Police Department supervisor be present during the execution of any search of a residence (including hotels/motels) or business in accordance with the terms and conditions of probation or parole. The supervisory responsibilities will be the same as those associated with the execution of a search warrant. Parole/Probation searches of persons and/or vehicles incident to a lawful detention or arrest do not require supervisory presence..1 A police corporal may act as the field supervisor on behalf of his/her patrol sergeant with the patrol sergeant's approval or in the absence of a patrol sergeant.
- .6 An exception to the requirement that a Concord Police Department supervisor must be present during a probation or parole search of a residence may be made when the following conditions exist:

A Concord Police Department sworn supervisor/manager is on-duty and has reviewed the operational plan, approved it and is available to respond to the location in an emergency situation.

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D. SERVICE BY NON-MEMBER AGENCIES

1. Agencies that are not a party to the “Inter-Agency Execution of Search and Felony Arrest Warrants” agreement are not bound by its terms.
2. When a member of the Concord Police Department is notified by a non-member agency that the non-member agency will be serving a search or felony arrest warrant in the City of Concord, the Concord Police Department member who receives the information shall do the following:
 - .1 Attempt to obtain all pertinent information regarding the service of the warrant, including the following:
 - .01 The name of the agency that will be serving the warrant, as well as all other participating agencies.
 - .02 The name of the supervising representative of the agency that intends to serve the warrant.
 - .03 The location of the intended warrant service.
 - .04 The type of warrant to be served.
 - .05 The time the warrant is to be served.
 - .06 The location of any field meet(s).
 - .07 If assistance from the Concord Police Department is wanted.
 - .08 A means to contact the supervising representative of the agency that intends to serve the warrant.
 - .2 Contact the on-duty Watch Commander/Shift Supervisor and advise him/her of the above facts.
3. The on-duty Watch Commander/Shift Supervisor or their designee shall attempt to contact the supervising representative of the agency that intends to serve the warrant. The Watch Commander/Shift Supervisor or their designee shall:
 - .1 Verify the information regarding the intended service of the warrant.
 - .2 Determine if assistance from members of the Concord Police Department is needed.
 - .3 Review the written tactical plan for the warrant service with the supervising representative of the agency that intends to serve the warrant.
 - .01 If there is disagreement in the tactics to be employed, the Concord Police Department Watch Commander/Shift Supervisor or their designee shall attempt to resolve the matter by contacting the on-duty Watch Commander/Shift Supervisor of the serving agency before participating in the service of the warrant.

- .02 If there is still disagreement in the tactics to be employed, the Concord Police Department Watch Commander/Shift Supervisor shall notify the supervising representative of the serving agency that members of the Concord Police Department will not participate in the service of the warrant.

CONTRA COSTA COUNTY POLICE CHIEF'S ASSOCIATION
POLICY GUIDELINE

INTER-AGENCY EXECUTION OF
SEARCH AND FELONY ARREST WARRANTS

A. Policy Statement:

1. This guideline represents the understanding and agreement among the member agencies of how warrants should be served.
2. This guideline shall be in effect when members of any department conduct a planned operation within the jurisdiction of another agency.
3. This guideline is not a statute, ordinance or regulation. This guideline is not intended to increase the civil or criminal liability of the member agencies or their employees and shall not be construed as creating any mandatory obligations to, or on behalf of, third parties.

B. Definition of Terms:

1. Venue Agency - The agency or agencies within whose geographical jurisdiction the warrant is to be served.
2. Service Agency - The law enforcement agency that has accepted the responsibility for service of the arrest or search warrant.
3. Hazardous Materials - Any substance or material in any form or quantity that poses a physical or health hazard to life, property or the environment.
4. Briefing - A structured meeting involving the communication of information, instructions and guidelines.

C. General:

1. The service of search and felony arrest warrants frequently involves multiple jurisdictions and/or is accomplished in geographical areas where the agency serving the warrant does not have the primary responsibility for the delivery of general police services.
2. The establishment of a formalized guideline among the law enforcement agencies in Contra Costa County for the service of warrants, will tend to maximize the probability that they will be executed in a safe, orderly and effective manner.
3. The service of felony arrest and/or search warrants will normally be the responsibility of the agency, which has prepared the affidavit or is investigating the crime. An agency may, however, defer the service of a warrant to another agency as they agree.
4. This guideline does not require that the venue agency participate in all warrants served in its jurisdiction as individual priorities, needs and circumstances may dictate otherwise. However, each agency will make every effort to provide reasonable levels of assistance and should not obstruct, impair or delay the execution of a warrant lawfully held by another agency.
5. This guideline is not intended to address the service of non-felony arrest warrants which will be handled on a case-by-case basis as the involved agencies agree.

D. Warrant Service Procedure:

The service of a warrant may be a relatively routine task or, in varying degrees, one which requires a great deal of planning and coordination to reduce the associated risks.

1. Command Structure:

- a. The service agency is responsible for the execution of the warrant.
- b. The service of a warrant shall include the designation of one of the involved officers as the "officer in charge." Such an officer may or may not be a supervisor, but he or she shall be responsible for the proper execution of a warrant.

2. Notification:

- a. Prior to the service of a warrant, the service agency shall notify, in a timely manner, the venue agency of the proposed execution. Where appropriate, notification will normally be made to the watch commander and to units assigned to similar functions. Such notification shall include, but not necessarily be limited to:
 1. The location where the warrant(s) will be served and the name of the person involved.
 2. The general circumstances surrounding the obtaining of the warrant(s) and the charge(s) upon which the warrant is based.
 3. Any potentially dangerous circumstances which are known to exist.
 4. What assistance, if any, is required of the venue agency.
 5. The name of the officer in charge.
 6. The proposed time of the execution.
 7. The location and time of the warrant briefing.
- b. Once received, the venue agency is responsible for:
 1. Maintaining the confidentiality of the information.
 2. Any intra-department communications, which are appropriate given the nature of the warrant service.

3. Risk Analysis:

The officer in charge shall evaluate the risk(s) to the public and/or to the officers involved in the service of the warrant and shall incorporate tactical planning steps to reduce the associated dangers.

- a) The service of warrants which offer a high degree of potential danger should include, where feasible, the following:
 1. Involvement of a representative from the venue agency in the development of a tactical plan.
 - a. Tactical plan should include:
 1. Type of operation
 2. Background
 3. Objectives
 4. Location to be searched

5. Suspect/Vehicles
6. Time of search
7. Personnel involved
 - a) Name
 - b) Vehicle
 - c) Hours
 - d) Radio # and Call Sign
 - e) Cell #
 - f) Assignment
8. Tactical Entry Plan
 - a) Key
 - b) Other Emergency entry equipment
9. Actions if shots fired prior to entry
10. Actions if shots are fired after entry or barricaded suspect.
11. Actions if officer is down, either interior or exterior
12. Actions if hostage situation
13. UC information
14. Arrest signals
15. Special Problems
 - a) Violence potential
 - b) Weapons
 - c) Children
16. Radiofrequency
17. Equipment issued
18. Scene assignments
19. Hospital, Fire Department and Ambulance locations and telephone numbers
 - a) Landing zones
20. Law Enforcement jurisdiction
 - a) Notified by
 - b) Person contacted
 - c) Watch Commander name and telephone number for tactical support
 - d) Venue agency emergency telephone number

b. where circumstances are such that the inclusion of the venue agency in the tactical plan is not feasible, the venue agency should be notified in advance.

2. A briefing that includes:

- a) Attendance by all of the officers involved in the search warrant. In instances where patrol officers cannot attend because of other duties, they should be briefed in the field.
- b) A review of the tactical plan.

- c) The identification and description of the suspect(s), premises, and all of the officers involved in the warrant service.
 - 3. Except where circumstances dictate otherwise, non-uniformed participants should wear distinctive clothing such as armbands, hats or raid jackets, which clearly identifies them as law enforcement personnel.
 - 4. All weapons and ammunition must be approved and authorized by the respective Service or Venue Agency that employs the officer(s) using those weapons and ammunition.
 - a) Where circumstances are such that the inclusion of the pre-service steps outlined in 3.a.1 through 4 of this guideline are not feasible, the venue agency must be notified in advance.
 - b) The service of warrants which do not offer a high degree of potential danger will be handled on a case-by-case basis as the involved agencies agree.
 - c) Concurrence.
 - 1. Where possible, the officer in charge shall strive to obtain concurrence from the venue agency as to the manner and means by which a warrant will be served.
 - 2. In the event the venue agency does not concur with the tactics and/or the manner in which a warrant is to be served, the officer in charge shall provide a representative of the venue agency the opportunity to discuss his/her concerns with a superior officer from the service agency prior to the execution of the warrant.
- 4. Personnel and Resources:
 - a) The venue agency will normally provide, given adequate notice, one uniformed officer to assist in the service of a warrant. Personnel commitments beyond one officer must be arranged well in advance of the execution of the warrant.
 - b) Unless otherwise agreed, officers from the service agency shall be responsible for providing any equipment and/or other resources necessary to accomplish the warrant service.
- 5. Investigative Responsibility:
 - a) Unless otherwise agreed, officers from the service agency shall be responsible for the writing of any reports and/or the identification, collection and storing of evidence associated with the execution of the warrant.
 - 1. The service agency will include in its reports the names of all the personnel involved in the execution of the warrant.

2. In instances where personnel from the venue agency have witnessed events essential to the prosecution of the case, they shall provide, upon request, a written report to the service agency.
- b) Unless otherwise agreed, officers from the venue agency shall be responsible for criminal events which are unrelated to the service of the warrant and/or which occur during the service of the warrant. This shall include the writing of reports of the incident and the collection of evidence pertaining to the new criminal event.
6. Hazardous Materials:

The venue agency shall, as provided for in Contra Costa County's Hazardous Material Incident Contingency Plan, be responsible for the disposal of any hazardous materials discovered in the service of a warrant.
7. Clandestine Laboratories:
 - a) Where the service of a warrant directly relates to the investigation of clandestine laboratory, the collection of evidence shall, unless otherwise provided for, be the responsibility of the service agency. State BNE Lab Team and DEA resources may be used to facilitate the removal or collection of evidence.
 - b) Any agency may, at their option, seek civil recovery as provided for in Section 11470.1 of the Uniform Controlled Substance Act.
8. Transportation of Prisoners:
 - a) Unless otherwise agreed, the transportation of prisoners will be the responsibility of the service agency.
 - b) Where the service agency is comprised of a multi-agency task force such as the Contra Costa County Narcotics Enforcement Team, the venue agency will provide, given prior notification and sufficient resources, for the transportation of prisoners.
 - c) Where the venue agency accepts responsibility for the transportation of prisoners, the officer who effected the arrest should provide a completed booking sheet to the transporting officer.
 - d) During transportation of prisoners, a properly equipped patrol unit, transportation van or bus will be the preferred means of transportation.
9. Booking/Housing of Prisoners:

- a) Unless otherwise agreed, the service agency shall be responsible for the booking and housing of prisoners.
- b) In instances where the venue agency agrees to book and house the arrestee(s), it shall be the responsibility of the arresting officer to convey any special and/or procedural instructions to the transporting officer. Once received, the transporting officer should make a reasonable effort to ensure that the requests of the arresting officer, where proper, are complied with.
- c) When the service agency is comprised of a multi-agency task force such as the Contra Costa County Narcotics Team, the venue agency will provide, given prior notification and sufficient resources, for the booking and housing of the prisoners.

10. Press Releases:

All press releases that directly relate to the service of the warrant-will be handled by the service agency. Exceptions will be handled on a case-by-case basis as the involved agencies agree.

DISCLAIMER

The intent of this guideline is to provide for the effective service of search and arrest warrants. It is recognized, however, that on occasion circumstances may arise where the public's interest and/or welfare may necessitate that the guideline not be followed. An exception to these provisions shall be resolved by the involved agencies on a case-by case basis.