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Last Revised: 09/15/2019

CSU FULLERTON POLICE DEPARTMENT GENERAL ORDER NUMBER 3-8

EXECUTION OF SEARCH/ARREST WARRANTS

- SUBJECT:** Serving and executing search/arrest warrants
- PURPOSE:** To outline duties, responsibilities and training of officers/supervisors assigned to serve and execute search/arrest warrants.
- 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 case law decisions (Refer to California Peace Officers Legal Sourcebook material located in the Watch Commander's Office). In addition, all officers involved will have completed the listed training prior to executing any search/arrest warrants. Prior approval from the Command Staff is needed for the service of any search/arrest warrant that includes searching premises and serving arrest warrants. A CSUF Sergeant will be the Team Leader in the service of all CSUF search/arrest warrants that includes the searching of a building.

PROCEDURE:

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

- I. Gathering and Verifying Warrant Information
 - A. Officers should gather information reference 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.
 - B. Any information from an informant should be verified before obtaining your search warrant.
 - C. Perform computer checks (Parole, Probation, Guns, Restraining Orders, etc.) and contact local agency to check call history of residence/location.

- II. Identify Your Suspect(s) using the following:
 - A. Background;
 - B. Weapons history;
 - C. Vehicles;
 - D. Children/parents;
 - E. Gangs;
 - F. Drug usage;
 - G. Prior arrest;

- H. Is the suspect a “Third Striker?”
- I. Mental illness and
- J. Martial arts background.

III. Obtaining and Recording the Search and/or Arrest Warrant

- A. Affidavit and Probable Cause Declaration will be prepared by the University Polices investigators and entered into the judicial system for approval.
- B. All approved Search/Arrest warrants will be assigned a case number and a full report of the circumstances will be entered into Rims.
- C. When obtaining a search and/or arrest warrant through the judicial system ensure that all the following elements are addressed in the actual warrant:
 - 1. Date and time received from the court
 - 2. Type of process, civil or legal
 - 3. Nature of the document
 - 4. Source of the document
 - 5. Name of the defendant and name of the complainant
 - 6. Court docket number and our case number
 - 7. Expiration date of the search warrant—as arrest warrants are valid until served or cancelled by a judge.
- D. When executing a search and/or arrest warrant ensure that all the following elements are recorded in the case report and/or the Warrant Service Binder:
 - 1. Date and time service was attempted/executed. [CALEA 74.1.2a]
 - 2. Names of the team leader executing/attempting service. [CALEA 74.1.2b]
 - 3. Name of the defendant on whom the legal process is being served. [CALEA 74.1.2c]
 - 4. Address of service or attempted service. [CALEA 74.1.2e]
 - 5. Method of service or reason for non-service. [CALEA 74.1.2d]

IV. Develop and follow a Written Operational Plan

- A. Assignment of the Team Leader
 - 1. Assign team members
 - 2. Deployment (the number of personnel and equipment to be used) will be determined by the Team Leader.
 - 3. Set date for attempted service within required time frame.
 - 4. All intelligence should be discussed.
 - 5. 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)
 - 6. Team Leader is to hold a briefing with all members of the warrant service and the location to be searched and its description, suspects and items searched for.
 - 7. Give a description of any suspects and intelligence information about them.

8. Object of warrant – What type of information/evidence will you be looking for as specified in the Warrant.
- B. Scouting/Surveillance to be completed in advance
1. Photograph the location to be searched.
 2. Is there a dog on premise?
 3. Are there children at the location?
 4. Any surveillance or security equipment set up by the suspect?
 5. Any other building/garages/vehicles on the grounds?
 6. Are the doors fortified?
 7. Are there any “Look outs”?
- C. Diagram the building to be searched and any possible hazards to officers.
1. If the building address is present, where is it located and its’ description?
 2. If no address is present a complete description of the building including, but not limited to:
 - a. What kind of construction/ how many stories;
 - b. Color;
 - c. Texture;
 - d. Is it a brick or vinyl siding;
 - e. Places for cover and concealment;
 - f. Color of roof and type (wood shingles or Spanish tile);
 - g. Number and description of windows.
- D. Classifying the Type of Warrant
1. Normal Risk
 - a. 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.
 - b. There is easy access to the location and it is unknown if the structure is fortified.
 2. High Risk
 - a. If the suspect is believed to be uncooperative or if a violent crime precipitated the warrant.
 - b. The structure is fortified.
 3. Swat or Tactical unit involvement
 - a. Or other occupants within the residence is most likely armed and resistance is anticipated.
 - b. The location is heavily fortified.
 - c. Tactics and equipment to gain entry are beyond our capability.
- E. Methods of Determined by the team leader.

1. Entry Techniques - Will be determined by Team Leader, but will follow the guidelines listed
 2. Dynamic/Crisis entry - Forced entry designed to take suspect by surprise.
 3. 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).
 4. Breach and delay entry - After entry is made the suspect is given a chance to surrender.
 5. Covert/stealth entry - Used when the suspect is asleep, unconscious or doesn't know you are on scene.
 6. Surround and call out - Used with an arrest warrant if you have the time and personnel available.
- F. Legal Requirements include following all laws prescribed by the California Penal Code and case law decisions. Also, utilize the California Peace Officers Legal Sourcebook materials.
- G. Equipment to be utilized for the service of search/arrest warrants.
1. All officers will be clearly identified as Police Officers.
 2. All specialized equipment to be used will be identified by the team leader and approved for use by the Command Staff.
 3. All officers will check to ascertain if their personal equipment is in working order and be wearing their ballistic vest prior to leaving briefing.
 4. All equipment will be accounted for before leaving the structure searched.
 5. These tools will only be utilized to assist the CSUF Police in a way to reduce injury and liability to themselves and the occupants of the premise to be searched.
- H. Route of Travel
1. The team leader will ensure that all drivers will know the route to the staging area and or location to be searched.
 2. All drivers will be given a route from the location to be searched to the nearest trauma hospital in the event of an emergency.
- I. Communications
1. All officers involved in the service of the warrant will be on the same radio frequency.
 2. All officers will know the basic hand signals to be able to communicate with each other.
- J. Contingencies - Discuss the following issues and develop a plan of action:
1. Officer shot;
 2. Fire/Paramedics;
 3. Explosion;

4. Hostages;
5. Officer attacked by suspect;
6. Wait for an ambulance or drive victim officer to hospital?

K. Final Preparations

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

V. Actual Service of Warrant

A. Surveillance Unit

1. Prior to execution of the search warrant a surveillance unit should be monitoring the target residence with the goal of updating the team with any new intelligence.

B. Caravan

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

C. Room Clearing and Suspect encounters

1. Rooms will be cleared (searched) according to approved training methods (see attached training).
2. When an officer encounters a suspect, he will control that suspect so other officers can continue the search.
3. 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.
4. Only after the suspect has been handcuffed and the building secured should he be searched.

D. Location secured

1. Once the building is secured have the search team check the building again to ascertain if any other suspect(s) have been missed.
2. The Team Leader will designate officers to process the suspect(s).
3. The Team Leader will designate a search team for evidence collection.
4. Any equipment used during the service of the search warrant will be accounted for.
5. Videotape the building to be searched to show the condition of the building before the search.

6. Serve the warrant on the responsible party or if it is a search warrant, leave it in a visible area.

E. Post search warrant

1. Photograph suspects and evidence located.
2. Video record the residence prior to leaving.
3. Provide a receipt for property seized at the location.

VI. Debriefing (A learning environment)

- A. Identify Strengths and weaknesses; Suggestions for improvement; Was Information/Communication Good?

B. Legal Issues

1. Inventory (leave a copy of items seized)
2. Return to Search Warrant will be completed as soon as possible.

VII. Loss or Damage of Property of Another

- A. 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 CSUF Police, shall report it as provided below.

1. Verbal report required - As soon as circumstances permit, the involved officer shall make a verbal report to his/her supervisor.
2. 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.
3. Damage by Person(s) of another Agency
 - a. If employees of another jurisdiction cause damage to real or personal property belonging to the CSUF, it shall be the responsibility of a CSUF Police Officer present to make a verbal report to his immediate supervisor as soon as circumstances permit.
 - b. The officer shall submit a written report before going off duty or as otherwise directed by the supervisor.
4. These written reports, accompanied by supervisor's written report, shall be forwarded to the appropriate Command Officer and Chief of Police, as soon as possible.
5. It will be the responsibility of the Command Staff to notify the CSUF Risk Management of any potential liability to the CSUF.

- VIII. Training--Each CSUF Police Officer assisting in the service of search warrants and or searching premises to locate and serve arrest warrants will attend training as follows:
- A. Classroom training, to include, but not limited to the California Legal Sourcebook and the guidelines listed in this General Order.
 - B. Building searches and arrest techniques.
 - C. Review of weaponless control tactics.

REVIEWED BY:

P. Launi,

APPROVED:

A handwritten signature in black ink, appearing to read "Raymund J. Aguirre". The signature is written in a cursive, flowing style.

Raymund Aguirre
Chief of Police