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 Redding 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 SUPERVISOR RISK ASSESSMENT
The supervisor shall review all risk assessment forms to determine the risk level of the warrant service.

The supervisor will also have the responsibility to coordinate service of those warrants that are categorized as high risk. The supervisor shall contact the Watch Commander and SWAT Commander to consult on warrants deemed high risk. If the Watch Commander is unavailable, the Division Commander should assume this role.

607.4 SEARCH WARRANTS
Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, after the warrant is reviewed by either the on-duty shift supervisor, watch commander, or Investigations Division Sergeant, the officer should have the warrant reviewed by the DA's office (if after hours, the on-call DA will be notified). Once approved by the DA's office, the warrant shall be signed by either an on-duty or on-call judge.

Once approved by a judge, the officer will notify an on-duty supervisor to schedule the service of the warrant. A supervisor must be present during the service of the warrant, except for the service of a warrant not requiring entry into a structure. In all cases with the potential for forced entry, an operational plan is required.

Personnel assigned to SINTF shall follow their agencies' individual guidelines for writing and serving of search warrants.
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(a) Pursuant to an agreement with the Shasta County District Attorney's office, DUI Blood Draw search warrants do not need to be reviewed by the DA's office prior to review by a judge. These warrants shall be reviewed by an on-duty supervisor prior to being sent to the judge for review. The supervisor or officer writing the warrant can call the DA's office if the circumstances require further review.

A supervisor must be present during the service of a search warrant except for the service of search warrants that do not require the entry into a structure. For example, search warrants including but not limited to: DNA, social media, financial and phone records. In all cases with potential for forced entry, an operational plan is required.

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer shall advise a supervisor and a risk assessment shall be completed.

If the warrant is classified as high risk, service will be coordinated by the supervisor after consulting with the Watch Commander and SWAT Tactical Commander. If the Watch Commander is unavailable, the Division Commander should assume this role. If the warrant is not classified as high risk, the supervisor 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.

607.6 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.
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(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).

607.7 HIGH-RISK WARRANT SERVICE
The supervisor shall coordinate the service of warrants that are categorized as high risk after consulting with the Watch Commander and SWAT Tactical Commander. If the Watch Commander is unavailable, the Division Commander should assume this role.

The member responsible for directing the service should ensure the following as applicable:

(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-recorded when practicable and reasonable to do so.

(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 or restore 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.

(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.

607.8 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.

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.
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Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE
The case agent 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.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS
The Watch Commander 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
- 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 Watch Commander. The Watch 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 Watch Commander should ensure that members of the Redding Police Department are utilized appropriately. Any concerns regarding the requested use of Redding Police Department members should be brought to the attention of the Division Commander. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Watch Commander is unavailable, the Division Commander should assume this role.

If officers intend to serve a warrant outside Redding Police Department jurisdiction, the supervisor should provide reasonable advance notice 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 Redding Police Department when assisting outside agencies or serving a warrant outside Redding Police Department jurisdiction.

607.11 MEDIA ACCESS
No advance information regarding warrant service operations shall be released without the approval of the Division Commander. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.
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607.12 TRAINING
The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.