5-07/070.00 - Telephone Search Warrant

Whenever a deputy believes that a situation requires a telephonic search warrant, the following procedures shall apply:

- Complete the search warrant checklist to ensure against critical information omissions;
- Have the search warrant forms available before calling the district attorney;
- Call the district attorney's office where the case will be filed. Before or after regular business hours, weekends, and holidays, call the district attorney's command post for the name and telephone number of the on-duty prosecutor;
- Discuss the facts with the prosecutor which support the telephonic warrant and the reason for the urgency. If he concurs with both the warrant and the urgency, he will seek a judge's approval for the oral warrant. Stand-by for the return call from the prosecutor;
- If the judge agrees that an oral search warrant is justified, the prosecutor will then arrange a "conference call." The officer, the judge, the prosecutor, and a tape recording device will be connected. The prosecutor will provide the tape recording device and the tape;
- The prosecutor will state for the record the names of the parties participating, the name of the case, and the date and time the conference starts;
- The judge will administer the oath to the officer who will then be questioned by the prosecutor regarding the facts supporting the warrant. The prosecutor and judge may question the officer further, if necessary;
- When the statement by the officer is concluded, the judge will decide whether the warrant should be issued. The judge may ask that the tape be played back to ensure that the statements are properly recorded. The judge will then complete the original warrant in writing and sign it. He will dictate the contents to the officer, who should complete his copy exactly as dictated. The judge will authorize the officer to sign his (the judge's) name to the officer's warrant. The judge will designate the officer's warrant as the duplicate original;
- The prosecutor will close the conference call by stating for the record the concluding time;
- The officer will make the authorized search using the warrant form, completed and signed at the authorization of the judge and shall enter on the face of the warrant the exact time of its execution. A Receipt for Seized Property (SH-CRâ€‘624) shall be completed, particularly noting the condition of the property and listing any damages which shall be left in a conspicuous area at the place searched;
- The officer will be notified when the transcript of the tape is complete. He will then pick up the transcript and tape and deliver them to the clerk of the court wherein the complaint is to be filed; and
- The officer shall file the return of the search warrant with the clerk of the court where the case arising from the search warrant will be filed.