

5-09/465.50 - Service of Search Warrants and Affidavits

Any Department member prior to authoring or reviewing a search warrant and affidavit, shall attend the Department mandated search warrant and affidavit training course. For further information, refer to section 3-02/080.01, Training Requirements for Sworn Personnel.

A Department member holding the rank of sergeant or above shall review the warrant and affidavit for completeness and accuracy and he/she shall sign the checklist before the documents are presented to a judge. A watch commander/team lieutenant or Department member of higher rank shall review the Search Operations Preparation Checklist prior to the service of the warrant.

Watch commander/team lieutenants who are unavailable to sign the documents may give verbal approval for the service of a search warrant and affidavit. Verbal approval shall be issued only after the lieutenant confers with the field sergeant/team sergeant on the following points:

- The affidavit contains sufficient probable cause to search the location and seize the property described therein;
- The location matches the description on the warrant;
- Risk assessment factors have been properly evaluated;
- An operations plan of sufficient detail has been drafted;
- All assigned personnel will attend a pre-operation briefing, unless excused by the Incident Commander; and
- All required notifications have or will be made.

Once satisfied, the watch commander/team lieutenant shall authorize the sergeant to sign his or her name in the designated places followed by the sergeant's initials, time and date. It shall be the watch commander/team lieutenant's responsibility to review the documents as soon as practical.

The most current version of the Los Angeles County District Attorney's Office's Search Warrant Manual shall be used as the guiding document when authoring search warrants and affidavits.

Search Warrants and Affidavits Served Outside of Sheriff's Department Jurisdiction

The following shall apply when search warrants and affidavits are served outside of LASD jurisdiction:

- The concerned area commander shall be notified of the intention to serve all out-of-county search warrants and affidavits; and
- Incident commanders serving out-of-jurisdiction search warrants and affidavits shall notify the watch commander of the affected police agency prior to the warrant service.

Audio/Video Taping of Search Warrant and Affidavit Locations

All warrants served by Department personnel shall be audio taped from the "knock and notice" announcement through the point of entry into the location. Any deviation from this policy shall be documented. Each warrant service shall be recorded on a separate tape and appropriately identified. If exigent circumstances dictate that entry be made without a "knock and notice" announcement, the circumstances must be documented.

The incident commander shall direct deputy personnel to videotape the location prior to commencing the search and again at the conclusion of the search. The locations of all search warrant and affidavit services, excluding those deemed lower risk, shall be videotaped.

Upon rendering a location secure (after completing a sweep for persons/items posing a threat to officer safety), the entry team leader shall ensure that the location is videotaped, including a descriptive narrative of the location and any and all damage to the location. The narrative should also include descriptive information such as the color, trim, location of the address and any unusual features, etc. Pre-existing damage, along with damage resulting from law enforcement activities, as well as the general condition of the location, shall be videotaped and identified in the narrative.

The incident commander shall verify that all the required videotaping is completed. Each search warrant and affidavit service should be videotaped on a separate video cassette and appropriately identified.

All persons found inside the location shall be identified on videotape. Each person shall be asked about presence of money, valuables and firearms before the search begins.

The incident commander shall also verify that the scribe documents the existence of all audio and videotapes generated as a result of the operation. All original video and/or audiotapes shall be retained at the unit as part of the "Search Documentation Package." For further instructions, refer to section 5-07/075.00, Taking of Photographs During Search Warrants.

Receipt for Seized Property and Notice for Retrieving Property

The Receipt for Seized Property and Notice for Retrieving Property form (SH-R-460) shall be completed by personnel whenever property is seized pursuant to a search warrant and affidavit or seizure order.

The Receipt for Seized Property Continuation form (SH-R-460A) shall be used when items of property seized are too numerous to list in the space provided on the Receipt for Seized Property and Notice for Retrieving Property form.

A copy of the completed receipt(s) shall be left at the location where the seizure occurred and the original receipt(s) shall be attached to the incident report.
