

## 6-1 Search Warrant Services

**NARCOTICS BUREAU**

**DETECTIVE DIVISION**

**LOS ANGELES COUNTY SHERIFF DEPARTMENT**

Bureau Order Number: **6-1**

Subject: **SEARCH WARRANTS**

**PROBATION AND PAROLE SEARCHES**

**ARREST WARRANTS**

**REFER TO BUREAU ORDER # 6-2 FOR INFORMATION ON CONSENT SEARCHES**

Effective Date:	03/15/2009	Last Date Revised:	09/07/2021
Last Date Reviewed:	09/07/2021	Next Review Date:	09/07/2022

### **I. CONCEPT AND ISSUES**

#### **A. Purpose**

The purpose of this order is to provide guidelines for supervisors and Bureau personnel on searching, handling of evidence, and videotaping.

#### **B. Background**

The Narcotics Bureau routinely serves a high number of search warrants each year. Because of the large number of personnel involved, specific procedures are mandatory. These procedures will minimize citizen complaints and ensure that proper techniques are being utilized by each individual assigned to the Narcotics Bureau.

### **C. Scope of Policy**

This policy formally delineates specific procedures that must be adhered to when Narcotics Bureau personnel serve search warrants.

### **D. Accountability**

NOTE: Bureau Order #6-1 must be read in conjunction with Bureau Orders # 5-8, (Operations Plans), #6-11, (Tactical Building Entry Operations) and #2-10, (Use of Communications Equipment), to obtain a full understanding of the scope of these orders. Each contains subject matter and information regarding tactical operations that is interrelated and compliments material in each of the other four orders.

All Bureau personnel will be held accountable for being familiar with and strictly adhering to the individual and collective contents of these orders. Sergeants and Lieutenants are responsible for ensuring that their subordinates are aware of and comply with these orders.

### **E. Training**

Narcotics Bureau Sergeants shall ensure that all personnel under their direction have been thoroughly briefed and trained on all aspects of this policy. Special attention should be made to newly assigned personnel and the required training outlined in the deputy orientation program.

## **II. POLICY**

## **A. GENERAL GUIDELINES**

This Bureau order is not intended to supersede the Department Manual of Policy and Procedure sections 5-09/465.00 - 465.60; but rather to provide additional guidance for Narcotics Bureau personnel in following these procedures.

All planned searches of fixed locations, including, but not limited to, search warrants, **probation or parole** conditions, consent searches, (See Bureau Order 6-2: Consent to Search Investigations), or **arrest warrant services**, require planning and risk assessment in order to conduct efficient, effective and safe operations. Zone Lieutenant approval, as well as operations plans, briefings and assessment of risk using the Search Warrant Preparation Checklist (SH-R-461) shall be used for these types of operations.

**See Bureau Order #5-8 for additional information on the preparation of operations plans.**

1. Each time a tactical entry is planned, personnel should consider the following:
  - a. Review the feasibility of utilizing a Tactical Entry Team, (TET), to make the entry whenever it appears that such use would enhance officer safety.

Some circumstances in which a TET could be utilized include: where the structure involved has a complicated layout, where not enough Narcotics Bureau personnel are available to make up a full entry team, where the entrance to the location makes it particularly difficult to make entry utilizing the equipment available to Narcotics Bureau personnel or any circumstance where too many “unknown” factors exist.

Planning and approving personnel are highly encouraged to consult with team leaders from the Special Enforcement Bureau whenever questions arise or general guidance is sought. Sergeants and Lieutenants should ensure that this review and consideration is consistently occurring during the planning of tactical operations.

b. Review the feasibility of detaining primary suspects away from the location prior to the entry, securing them and then returning to the location with a key to conduct a controlled "soft entry." This technique, while certainly not hazard-free, has consistently proven to be effective at reducing the potential for confrontations during entries.

Personnel utilizing this technique must adhere to the same staffing, equipment and identification requirements as described in this order during this alternative entry. While this technique can reduce the potential for confrontation, it does not eliminate this possibility. Personnel must not let their guard down and must be fully prepared for a confrontation as they enter the location.

Sergeants and Lieutenants shall ensure that the above is considered during the planning of all tactical operations.

Under very limited emergency circumstances, tactical operations may be conducted where time is of the essence and no opportunity exists to prepare a written operations plan. If no opportunity exists to prepare a written operation plan, a Zone Lieutenant **SHALL** be contacted verbally to approve the plan before any enforcement action can take place. In addition, the operation shall be assessed using the "Search Warrant Preparation Checklist", SH-R-461, and the form completed and signed by the supervisor present **PRIOR** to the operation being undertaken. In addition, a full briefing shall be conducted with all involved personnel where the verbal operations plan will be thoroughly explained.

In order to avoid injuries and/or poor tactical decision during a time sensitive or rapidly unfolding incidents, a Zone Lieutenant shall be contacted, a fully prepared SH-R-461, and a briefing with all personnel, shall be completed prior to any entry into a location taking place.

***Any exception to preparing an operations plan must be approved in advance by a Zone Lieutenant and shall be based upon sound tactical reasoning, officer safety considerations and common sense.***

**Refer to Bureau Order #6-11 regarding policy and requirements for tactical operations and safety equipment.**

### **III. PROCEDURE**

A. It shall be the responsibility of the Crew/Team Sergeant to review each Search Warrant and statement of probable cause for content and completeness. The Sergeant shall particularly check that the statement of probable cause establishes a nexus for the place(s) and person(s) listed to be searched as well as for the items listed to be seized. The Sergeant's review for accuracy and nexus shall be documented on form SH-R-461, "Search Warrant Preparation Checklist."

Prior to service, each Zone Lieutenant shall also personally review the warrant, or, in the alternative, be fully briefed telephonically on the full circumstances and established probable cause by the I/O or Crew Sergeant. This review shall be documented on the "Search Warrant Preparation Checklist" per MPP 5-09/465.20.

Prior to service, ALL preplanned search operations shall have a Narcotics Bureau search operation tracker tag number assigned to the operation. In situations where a tracker tag number cannot be obtained (i.e., emergent situation or outside normal business hours (0800-1700), Monday-Friday, excluding weekends and holidays) the number must be pulled as soon as possible.

B. A crew supervisor holding the permanent rank of Sergeant shall be present at the location of any search warrant, parole, probation, or consent search operation and shall remain at the location for the duration. For regular L.A.S.D. crews, this will be the Narcotics Bureau Crew Sergeant.

While the volume of warrants and wide area covered does not permit a lieutenant to be present at all operations, each lieutenant shall strive to be present at as many tactical operations as possible. For personnel who are assigned to a task force this may be a supervisor from another agency. If the regular crew or team supervisor is unavailable, it is the responsibility of crew personnel to notify their Zone Lieutenant who shall designate another supervisor to accompany them, or postpone the activity until a supervisor is available.

C. Due to the high potential for civil liability and issues occurring during dynamic entry operations, **no search warrant shall be prepared nor served that is solely based upon the statements of an informant, (proven reliable or otherwise).** Information received from an informant must always be corroborated by independent information and/or

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Investigative activity, (e.g. surveillance, controlled buy or direct observation), before proffering the warrant for a

judge's signature.

Any request for an exception to this policy must first be evaluated by the Zone Lieutenant and if he/she agrees with the request, shall contact the Bureau Unit Commander to discuss his/her reasoning. Any exception must be authorized by the Unit Commander.

D. Entries, whether dynamic or consensual, shall be conducted in a tactically safe manner. The clearing phase consists of searching for and detaining all occupants. These occupants shall be detained in a central location and a Crew member assigned to secure them. Consideration should be given to assigning the Case Officer/Investigating Officer to this task, allowing for interviews to be conducted. If necessary, additional personnel shall be obtained from other Narcotics Bureau crews.

**Refer to Bureau Order 6-11 for additional information on Tactical and safety equipment considerations.**

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E. Any search warrant to be served in a county other than Los Angeles, shall be approved by a Zone Lieutenant and the Unit Commander prior to service. If the Unit Commander approves the operation, the concerned Zone Lieutenant shall be present at the service of the out of county warrant. Note: Should there exist an M.O.U. for any multi-jurisdictional task force or other unit of which narcotics bureau personnel are assigned, assigned personnel shall follow the agreed upon guidelines of the M.O.U. (MPP 5-09/465.00)

F. Film crews are prohibited from accompanying department members executing a search warrant at a private residence or at locations not open to the public. (MPP 5-09/250.15)

G. Completed Operations shall be de-briefed by the crew sergeant with the deputies who were present for tactical review of the event and prosecution purposes. The sergeant shall conduct a review of the circumstances where suspects were arrested, the charges, and the evidence obtained against the suspect including physical evidence and deputy/witness observations supporting prosecution of all suspects arrested.

H. In the event no responsible adult is capable of taking control of the premises after the service of a search warrant, the Crew Sergeant shall ensure that all broken exterior doors or windows, as a result of forced entry, are left in a secured condition.

#### IV. SEARCH PHASE

A. After the location has been entered and cleared a search shall be conducted in a systematic manner and shall adhere to the following:

1. VIDEO TAPING - Before any search of the location begins, a video

recording shall be taken of the entry point and interior of the structure. **Refer to section #B below for detailed videotaping information.**

2. After the condition of the location has been thoroughly documented on video and if appropriate, a canine search of the location should be performed. This will be done prior to any deputy personnel beginning a hand search. The Crew Sergeant or the Investigating Officer shall accompany the canine handler during the search of the location. This fact and the identity of the accompanying deputy shall be documented in the first report.

**Refer to Bureau Order 1-6 for additional information on canine search procedures.**

3. The hand search shall commence once the canine search has concluded and each room shall be searched completely and methodically.

4. The Crew Sergeant shall not actively participate in the hand search and shall remain free to supervise Crew members.

5. The Crew Sergeant shall ensure that a minimum of two Narcotics Bureau deputies are assigned to search each room of a location. A record of the rooms that were searched and personnel assigned to each room, shall be kept and retained with the original SH-R-49 Incident Report in the investigative file.

6. Any money found during the search shall be left in place until the Crew Sergeant responds. The money shall be videotaped and then processed in accordance with existing Bureau policy and Department policy.

7. Should the found money be estimated to exceed \$10,000 it shall be left in place until the Zone Lieutenant is notified and responds to process the money (MPP 5-09/465.40). In the event of an extended response time by the Zone Lieutenant or nearest Sheriff's Station Lieutenant, and with the verbal concurrence of the Narcotics Bureau Unit Commander or designee, he or she may authorize the Crew Sergeant to place the currency into evidence currency bag(s) under videotaped conditions and with at least two other investigators present. The sealed currency bag(s) will remain under the direct control (visual or locked in a secured area) of the Crew Sergeant until the arrival of the Lieutenant. The Lieutenant will then process the money (MPP 5-09/465.40). Since the Lieutenant is not present for the sealing of recovered currency, he or she will review the seizure videotape as soon as practical to confirm the serialized bag documented on the video tape matches the serialized bag booked into evidence.

**NOTE: A Lieutenant shall respond to the location of all major seizures of money and should make every effort to respond to large seizures of narcotics.**

8. All evidence to be seized shall be placed in a central location for inventory.

9. The Sergeant shall remain at the location until the search is completed and shall direct the securing of the location.

10. Only evidence or property eligible for forfeiture shall be seized.

11. If property is discovered during the search that is either confirmed stolen or appears to be stolen, the appropriate police investigating agency, Sheriff's Station detectives or patrol personnel shall be



contacted and asked to respond. Should they not be available or

elect not to respond, the responsibility remains with the narcotics team to seize and recover the stolen property.

12. During the search of a location, Deputies shall exercise care to ensure that the interior is not unreasonably disturbed nor property damaged.

B. VIDEO TAPING PROCEDURES - In accordance with the Department Policy and Procedure Manual section 5-07/075.00, video tape recordings shall be taken of the entry point and interior of the structure after the location has been entered and cleared and prior to the commencement of any search of the location. Personnel shall adhere to the following:

1. The Investigating Deputy shall verbally request that the location or locations, specified in the search warrant, be videotaped.

2. For a multiple location search warrant, a separate video tape shall be made for each location.

3. Crew Sergeants or a designated deputy, shall start videotaping as soon as practical after the entry. Be sure that deputies have not begun searching prior to the "before" video and that the deputies have completed searching prior to the "after" video.

4. It is important to ensure that all personnel present are aware that the video camera is being operated. It is critical that personnel not make unnecessary comments that could be recorded and have the potential for embarrassing the Department, the Bureau or involved personnel.

5. Narrative is very important when videotaping a search warrant. The video operator shall verbally indicate the beginning and conclusion of both the "before" and "after" taping as well as to describe and identify each room, the direction the camera is facing in the room and noting any pre-existing damage.

6. Once the location has been entered and cleared, the video operator shall start the video

with a narrative introduction prior to the search. Start videotaping the "before" video with the front of the residence in full view, placing the emphasis on the address. This narrative introduction shall contain the following information:

- The date and time
- The address of the search warrant location
- The name of the investigating Detective
- The name of the crew and the names of deputy personnel present
- The name of the person video taping
- The time the warrant was served

It is important that the introduction identify all appropriate vital information so that years later, when these videos are reviewed, an accurate accounting of the events of the warrant can be made.

7. Video the entry location, i.e., door or window, and any damage caused by the entry team. Once inside the residence, be sure to tape the faces of all the occupants. Have the occupants state their name, age and address of their residence. The occupants shall also be asked, on videotape, if there is anything of value, expensive jewelry or money, in the location or on the premises. This will aid in the safeguarding of those items for the occupants. Begin with the room by room taping of the interior of the residence. When the interior taping is completed, start the exterior taping of vehicles and the garage.

8. The video operator, along with the Investigating Detective, shall video tape, in place, the location of all evidence found, the retrieval of the major pieces of narcotics evidence, firearms and cash, and a brief description of the item(s) as it is seized.

9. After the deputies have completed the search, the video operator shall begin the "after" videotaping. If practical, escort a resident through the location during the "after" taping. Be sure to video the faces of the occupants before leaving the scene in the event of a false claim of force.

10. At the end of the search warrant, the video operator shall review the tape using the play

back feature of the camera. This should be done prior to leaving the scene in the event an unperceived malfunction of the camera.

11. THE MOST IMPORTANT THING WHEN VIDEO TAPING IS TO GO SLOW, AND NOT HURRY OR RUSH THROUGH THE PROCESS.

12. In the event of a video malfunction, each Zone Lieutenant has a back-up video camera at their immediate disposal. Additionally, patrol sergeants at each Field Operations Region have at their disposal a video camera that can be utilized in the event of that emergency. It is imperative that a video tape of the location be taken as outlined above.

#### C. CARE OF THE VIDEO CAMERA AND TAPES

1. The video equipment assigned to each Narcotics crew is very expensive and fragile. It is essential that great care is taken when handling and transporting them. Personnel utilizing this equipment are responsible for and accountable for its safekeeping.
2. The video camera and accessories shall be kept in a carrying case when not in use. Only the batteries and battery charger are excluded. The equipment, including unused video tapes, shall be kept in a cool, dry, secure location when not in use. The video equipment shall not be stored in the crew van.
3. If, at any time, a video camera or audio tape recorder becomes inoperable, the Crew Sergeant shall notify the Narcotics Training staff as soon as possible to arrange for an exchange and or repair.

#### D. DOCUMENTATION STORAGE

1. The custodian of records at headquarters is responsible for the centralized storage and filing of all search warrant documents, video and audio tapes. At the conclusion of a search warrant operation, or

any other operation where a video and/or audio tape is used, the Crew Sergeant shall be responsible for the original video and audio. The Crew Sergeant shall ensure that these items are included in the search warrant packet and forwarded to the appropriate Zone Lieutenant within forty five (45) working days. Each video and audio tape shall have the file number and date written on the disc itself.

2. The original video tape, audio tape, original operations plan,

original briefing roster, original search warrant checklist, a copy of first and supplemental reports, copy of the search warrant, and copies of receipts for property/money seized during the search, shall be placed in a 9x12 manila envelope (search warrant packet) prior to being forwarded to Headquarters.

3. The envelope shall be labeled with the Search Package Content Summary and Accountability Form, SH-AD 689. This package may be subject to discovery. The documents, video and audio tape evidence taken during a search warrant must be retained for five years after the case has been adjudicated. After a five year period, the tape may be re-used and documents destroyed. The Incident Report SH-R-49 URN, not the investigative "441" file number, should be used for this purpose.

ORIGINAL SIGNED

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LOY L. MCBRIDE, CAPTAIN

NARCOTICS BUREAU

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