

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 19

September 10, 2018

SUBJECT: SEARCH WARRANT AND PROBABLE CAUSE ARREST WARRANT PROCEDURES – REVISED; MANDATORY COMPLIANCE WITH ELECTRONIC COMMUNICATION PRIVACY ACT – ESTABLISHED; AND, SEARCH WARRANT AND WARRANT SERVICE/TACTICAL PLAN CHECKLIST, FORM 12.25.01 – REVISED

PURPOSE: This Order revises Department Manual Section 4/742.10, *Search Warrant and Probable Cause Arrest Warrant Procedures*, to clarify the documentation required to be left at the search warrant location. This Order establishes Department Manual Section 4/742.15, *Mandatory Compliance with Electronic Communication Privacy Act*, to inform Department employees regarding the provisions and requirements of the California Electronic Communication Privacy Act (California Penal Code Sections 1534, 1546, 1546.1, and 1546.2). This Order revises the Search Warrant and Warrant Service/Tactical Plan Checklist, Form 12.25.01, to include language regarding federal search warrant requirements and to clarify the required time period for the Los Angeles County District Attorney's Office Search Warrant Manual, Addendum to Return to Search Warrant, Appendix I, to be returned to the court. This Order also clarifies that officers and supervisors may only utilize the Search Warrant and Warrant Service/Tactical Plan Checklist as a guide and the only authorized supervisor that shall complete this form is the Department's Warrant Review Officer **upon the completion** of the execution of the search warrant, and **not prior** to the execution of the warrant.

PROCEDURE:

- I. SEARCH WARRANT AND PROBABLE CAUSE ARREST WARRANT PROCEDURES – REVISED.** Attached is the revised Department Manual Section 4/742.10, *Search Warrant and Probable Cause Arrest Warrant Procedures*, with the revisions indicated in italics.
- II. MANDATORY COMPLIANCE WITH ELECTRONIC COMMUNICATION PRIVACY ACT – ESTABLISHED.** Attached is the newly-established Department Manual Section 4/742.15, *Mandatory Compliance with Electronic Communication Privacy Act*.
- III. SEARCH WARRANT AND WARRANT SERVICE/TACTICAL PLAN CHECKLIST, FORM 12.25.01 – REVISED.** The Search Warrant and Warrant Service/Tactical Plan Checklist has been revised with the revisions indicated in italics.

FORM AVAILABILITY: The Search Warrant and Warrant Service/Tactical Plan Checklist and its Form Use Link have been updated and are accessible in E-Forms on the Department's Local Area Network (LAN). This form is attached for immediate use and duplication. All other versions of the Search Warrant and Warrant Service/Tactical Plan Checklist shall be marked "obsolete" and placed into the divisional recycling bin.

AMENDMENT: This Order amends Section 4/742.10 and establishes Section 4/742.15 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachments

DISTRIBUTION "D"

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742.10 SEARCH WARRANT AND PROBABLE CAUSE ARREST WARRANT PROCEDURES (see *Department Manual* Section 4/725.12). All Department personnel involved in the service (including the planning and debriefing) of a search or Ramey warrant shall comply with the instructions set forth in the *Search Warrant Service Procedures Guide*, prepared by Investigative Analysis Section, Detective Bureau. Each commanding officer shall be responsible for maintaining the *Search Warrant Service Procedures Guide* and ensuring that such procedures are made available to Department personnel. Department personnel shall follow these guidelines when preparing, obtaining, serving, and returning a search warrant.

Note: The search warrant shall be executed, and the completed Addendum to Return to Search Warrant shall be submitted to the court, within 10 calendar days after the date of issuance [California Penal Code Section 1534(a)]. The date of issuance is day zero (California Government Code Section 6800). If the tenth day falls on a weekend or holiday, then it shall be submitted on the next scheduled court day. If not submitted within 10 calendar days (only in rare circumstances), check the second box within Roman Numeral III, under the Additional heading, within the Search Warrant and Warrant Service/Tactical Plan Checklist, Form 12.25.01, and provide a brief explanation.

Officer's Responsibilities. An officer obtaining a search or Ramey warrant shall:

- Review the investigation with his/her immediate supervisor;
- Consult with an on-duty investigative supervisor from the investigative entity responsible for the follow-up investigation;

When the officer's supervisor agrees that a search or Ramey warrant is the next appropriate step, the officer shall complete the warrant affidavit and supporting documentation, and submit these documents to his/her supervisor for review and approval.

Upon obtaining a search or Ramey warrant issued by a magistrate, the officer obtaining the warrant shall complete all of the required information on the Warrant Tracking Log, Form 08.17.05.

Note: In the event an officer's work location is different from his or her commanding officer's location, the officer shall cause all required information to be entered on his or her Area/division's Warrant Tracking Log.

- Complete Pages 1 - 6 of the Warrant Service/Tactical Plan Report, Form 12.25.00, and submit it for approval;
- Refer to the *Search Warrant and Warrant Service/Tactical Plan Checklist, Form 12.25.01, as a guide only, since the Warrant Review Officer is the only authorized supervisor who shall complete this form after the execution of the search warrant;* and,

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- *Complete* the search or Ramey warrant and other related documents including the completed Warrant Service/Tactical Plan Report; Property Report, Form 10.01.00; Receipt For Property Taken Into Custody, Form 10.10.00; and Addendum to *Return to Search Warrant (Search Warrant Return)* and *maintain them in the warrant package (in the Detective Case Package, Control Folder, or Murder Book, as applicable)*.

Note: When information such as the Division of Records number, case number, search warrant number, or booking number is not available, that information shall be entered on the Log as soon as it becomes available.

Note: When a Ramey warrant is not served, the officer who obtained the warrant shall comply with *Department Manual Section 4/725.12* regarding Probable Cause Arrest Warrants.

Supervisor's Review of Affidavit. The concerned supervisor shall place his/her initials and serial number on the lower right-hand corner of each page of the original copy of the affidavit, indicating that he or she has thoroughly reviewed the document. Supervisors are reminded that every page must be reviewed and initialed in order to document a thorough review.

Exception: When a supervisor reviews a search warrant via e-mail due to the affiant being in another County and returns the corrected and reviewed warrant via e-mail, the reply e-mail will constitute a "signature" by the supervisor. After a judge has signed the warrant and it has been served, the same supervisor shall initial each page of the warrant as otherwise required by this section.

The concerned supervisor shall also review the affidavit to determine if a *Warrant Service/Tactical Plan Report* is required and if a supervisor's presence at the warrant service is recommended or required.

Note: *A supervisor shall be present for all warrant services that require a Warrant Service/Tactical Plan Report.*

Exception: A *Warrant Service/Tactical Plan Report* or an *Employee's Report*, is not required for search warrants targeting *only global positioning system (GPS) devices and third-party records (e.g., telephones, bank records, internet service providers, such as subscriber information, e-mail content, images, chat logs, instant messaging, etc.)*. An entry in the Warrant Tracking Log shall be completed, specifically stating "GPS installation only" or "records warrant only" respectively, in the comments box. *Also, a Warrant Service/Tactical Plan Report or an Employee's Report, is not required for search warrants served at secure locations (e.g., police facilities, jail facilities, prisons, Official Police Garages, crime scenes requiring a Mincey Warrant, etc.) including warrants involving body cavity searches, deoxyribonucleic acid (DNA), blood, urine, saliva, or other bodily fluids. When determining the security of the warrant service location, and the location is other than a secure facility, the supervisor shall take into account the possibility of the arrival of any suspects, accomplices, or other persons related to the crime. Should the supervisor*

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feel prudent measures are required, the *Warrant Service/Tactical Plan Report* shall be completed. Should the supervisor determine that a *Warrant Service/Tactical Plan Report* is unnecessary, he or she shall complete an Employee's Report, articulating the facts in determining the security of the warrant service location. This Employee's Report shall be approved and signed by the Area/specialized division CO and included in the search warrant package. Should exigent circumstances exist that require immediate approval of the Employee's Report, the CO's designee or the Area/specialized division watch commander may do so.

A *Warrant Service/Tactical Plan Report* is not required for warrants served after an unplanned tactical operation as described in *Fisher v. City of San Jose* (e.g., a barricaded suspect). Officers obtaining a search or Ramey warrant to be served by an outside agency or a Forward-Looking Infrared (FLIR) warrant (e.g., narcotics investigations, etc.) to be served by Air Support Division need not complete a *Warrant Service/Tactical Plan Report*.

Note: The supervisor initialing the search warrant and/or *Warrant Service/Tactical Plan Report*, for approval shall not be the same as the affiant.

Supervisors are reminded that, should a warrant service require a *Warrant Service/Tactical Plan Report* and should the service of the warrant involve multiple locations, a separate *Warrant Service/Tactical Plan Report* must be completed for each location.

Supervisor's Responsibilities. A supervisor shall be present for all warrant services that require a *Warrant Service/Tactical Plan Report*. If a warrant service does not require a *Warrant Service/Tactical Plan Report*, the presence of a supervisor is not required. However, a supervisor's presence is recommended if such a warrant service is anticipated to yield a significant amount of narcotics or currency. In addition to guidelines established in Department Manual Sections 4/742.10 and 4/742.30, supervisors overseeing a warrant service shall review the Area/division Warrant Tracking Log to ensure that the concerned warrant is entered and properly updated, and that the return date box is completed.

Note: A supervisor may refer to the *Search Warrant and Warrant Service/Tactical Plan Checklist, Form 12.25.01*, as a guide only, since the *Warrant Review Officer* is the only authorized supervisor who shall complete this form after the execution of the search warrant.

Warrant Service/Tactical Plan Report. Prior to the warrant service, the designated supervisor shall review and determine if a *Warrant Service/Tactical Plan Report* is required. If the *Warrant Service/Tactical Plan Report* is required, the supervisor shall follow the guidelines established in the Department's E-Forms, *Form Use link*, in reference to the *Warrant Service/Tactical Plan Report*.

Exception: When a Department supervisor determines that a *Warrant Service/Tactical Plan Report* is not required and does not meet the requirements listed within the exceptions above, the supervisor shall complete an Employee's Report, *Form 15.07.00*, addressed to his or her commanding officer, indicating the following:

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- *Date and time of entry into a location;*
- *Method of entry into a location;*
- *Condition of the location prior to the officers' entry into the location and when the officers exited the location;*
- *Pre and post-search warrant photographs;*
- *Any injury or damage as a result of police action taken during the search warrant; and,*
- *Identification of the involved employees and the officer in charge at the scene of the search warrant.*

Following the warrant service, the on-scene supervisor shall review the overall service, as well as the *Warrant Service/Tactical Plan Report*, and provide the following:

- A summary of *pre-search condition and post-search condition (Page 6)*;
- Whether the supervisor was present throughout the entire search;
- Whether the assigned supervisor ensured all involved personnel received a proper briefing prior to the service;
- Whether the supervisor ensured the proper documentation of any currency or valuables discovered during the search;
- Whether the supervisor ensured that *the following was left at a conspicuous place at each warrant service location*:
 - *Search Warrant and Affidavit – Face Sheet Only. When the warrant is for multiple locations, information regarding locations not presently being served at the current specific location shall be redacted from documentation left at scene, so as not to reveal the full scope of an investigation to potential suspects; and,*
 - *Department business card with pertinent contact information.*

Exception: *As necessary, the supervisor may provide additional warrant pages that describe a person to be searched or searched for, and particularly describing the property, thing, or things and the place to be searched.*

Note: *If officers conduct a search pursuant to a federal search warrant, Federal Rule of Criminal Procedures Rule 41(f)(1)(C) requires that the officers leave a copy of the face sheet of the search warrant along with Attachment A [Description of Property to be Searched (Location)] and Attachment B (Description of Property to be Seized) in a conspicuous place at the location. In these cases, the supervisor on-scene shall ensure that a copy of the face sheet of the federal search warrant, along with Attachments A and B are left at the location. If the search warrant is not filed under seal, which is a separate request made to the magistrate judge by the prosecutor at the time of the signing of the search warrant, then the affidavit underlying the search warrant also becomes part of the warrant and must be left at the location. If the warrant is not filed under seal, then the prosecutor will include the affidavit with the search warrant. If there is ever a question about whether or not the search warrant was filed under seal, the federal prosecutor shall be contacted*

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directly. The federal prosecutor's name and telephone extension will be located on the bottom left of the face pages for both the application for search warrant and search warrant.

Note: As a reminder, the reviewing supervisor shall place his or her initials and serial number on the lower right-hand corner of each page of the original affidavit.

- Documented confirmation that a debriefing with involved personnel was conducted no later than the next working day after warrant service (*Page 7 of the Warrant Service/Tactical Plan Report*); and,
- A summary of the debriefing no later than the next working day after warrant service.

The "Debriefing Summary" section on *Page 7* shall, at a minimum, address the following issues:

- Presence/absence of *digital or hard copy photographs*, audio, and/or video recordings;
- Supervisory oversight before, during, and after service of the warrant; and,
- Date, time, and location of the debriefing, issues discussed, and any training needs that were identified.

Note: If the supervisor at scene is the same as the warrant affiant, he or she shall not complete the debriefing summary.

Notifications. Prior to the service of the warrant, the designated supervisor shall ensure that the following notifications are made:

- Metropolitan Division (*notification to Metropolitan Division shall only be required when the mandated criteria to notify Metropolitan Division exists, as delineated in Department Manual Section 4/742.20*). Metropolitan Division has the option to decline direct involvement in the service. Refer to Department Manual Section 4/742.20 for further information;
- The on-duty watch commander of the Area where the warrant is being served;
- *Mental Evaluation Unit, Detective Support and Vice Division, for a query regarding the history of calls for service at the location; and,*
- Any outside law enforcement agency having jurisdiction over the location where the warrant is being served.

Commanding Officer's Responsibilities. The commanding officer of each Area/specialized division (or designated Area detective's CO at the rank of lieutenant or above) shall ensure that his or her command is in compliance with Department policy and procedure as it relates to search and Ramey warrant service and:

- *Review and approve the Warrant Service/Tactical Plan Report within 14 calendar days after the date of service;*
- Maintain a single location for the Warrant Tracking Logs for his or her command in the Area detectives or specialized division office;

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- Ensure the presence of the affiant at the service of a FLIR warrant;
- Ensure the presence of a supervisor (Sergeant I, Detective II, or higher), if necessary, during the execution of a search or Ramey warrant;

Note: The presence of a lieutenant or above is required for search or Ramey warrants initiated by any uniformed gang enforcement-related specialized detail or any warrants where uniformed gang enforcement officers act as affiants. However, a lieutenant or above is not required for warrants using uniformed gang enforcement personnel in a support capacity only, *e.g., gang enforcement personnel in support roles may only be within the perimeter of a search warrant and may not be part of an entry team nor enter the location.* Additionally, a supervisor need not be present for the service of a FLIR warrant.

- Ensure that the warrant number and return date are entered on the Warrant Tracking Log no later than ten business days from the date of service, with the exception of third-party records warrants;

Note: The return date may not be available to be entered into the return date box of the final printout of the Warrant Tracking Log if the warrant was served on or near the end of the month. Should this be the case, the investigating officer shall print the return date on the original printout signed by the CO and shall ensure that this date matches the date entered into the DCTS. **The Warrant Tracking Log shall not be reprinted.** The commanding officer shall initial and date the return dates (that were later added to the Warrant Tracking Log). The monthly printout of the Warrant Tracking Log shall still be submitted to the CO for his or her signature, despite the missing return date. When the warrant is returned, the investigating officer shall retrieve the original signed Warrant Tracking Log and print the return date where applicable. The commanding officer must acknowledge the updated information by initialing and dating by the added return date.

- Ensure that the warrant number is recorded on both the Warrant Tracking Log and the first page of the *Warrant Service/Tactical Plan Report*;
- Sign and date the bottom of the final printout of the Warrant Tracking Log, at the completion of each month; and,
- Complete an analysis of the performance of the supervisor providing supervisory oversight (designated supervisor) at the service of a search warrant and document the results on an Employee Comment Sheet.

Note: Neither the original, nor a copy of the Employee Comment Sheet shall be placed inside the warrant package. The original Employee Comment Sheet shall be placed inside the concerned employee's divisional personnel folder or unit administrative office.

The Employee Comment Sheet must be completed within seven business days of the *warrant's* execution and include the following information:

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- Identity of the designated supervisor assigned (e.g., name, rank, and serial number);
- Warrant location;
- Date and time of service;
- Whether the supervisor's actions during the service of the warrant were appropriate;
- Evaluation of the performance of the designated supervisor(s) at each warrant location; and,
- Any other information deemed by the commanding officer to be pertinent to the designated supervisor's performance.

Note: As a reminder, commanding officers are required to sign and date the completed Employee Comment Sheet.

The Area/specialized division CO, Area patrol CO, detective officer in charge, or their respective designee (of supervisory rank or above) shall designate a Warrant Review Officer (WRO) and ensure that the WRO conducts a timely review of all warrant documentation.

Warrant Review Officer – Established. All Areas/specialized divisions responsible for the service of search and arrest warrants shall designate a WRO in accordance with the guidelines established in this section. The WRO shall be the rank of Sergeant I, Detective II, or higher and shall conduct a final quality assurance review for completeness and accuracy of all warrant documentation. This review shall include:

- *The initiation of a Search Warrant and Warrant Service/Tactical Plan Checklist, Form 12.25.01, to be completed only by a WRO after the execution and completion of the search warrant, and placed into the Search Warrant Package;*
- The required notation is included in the *Warrant Service/Tactical Plan Report* indicating that the concerned CO's review *and approval* was performed within *14 calendar days* after the warrant service;
- The Warrant Tracking Log entry is complete and accurate;
- The Property Report and the Receipt for Property Taken Into Custody forms match; and,
- Any errors, inaccuracies, or omissions within the search warrant package are promptly corrected prior to proper storage.

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742.15 MANDATORY COMPLIANCE WITH ELECTRONIC COMMUNICATION

PRIVACY ACT. *The provisions and requirements of the California "Electronic Communication Privacy Act" (Cal. Penal Code Sections 1534, 1546, 1546.1 and 1546.2) governs access to and retrieval of evidence from service providers or digital devices (computer forensics). Digital devices include, but are not limited to: computers, cellular telephones, hard drives, floppy disks, thumb drives, memory cards, MP3 players, digital video recorders (DVR) or any items capable of storing digital data. An electronic device does not include the magnetic strip on a driver's license or identification card issued by California or another state. Failure to comply with the Electronic Communications Privacy Act may result in the suppression of evidence and/or civil liability.*

The following key requirements shall be followed by concerned Department personnel:

- *Personnel must have either a search warrant, wiretap order, or an order for a pen register or trap and trace device (or both) to compel production of or access "electronic communication information" from a service provider;*
- *Personnel must have either a search warrant, wiretap order, or an order for a pen register or trap and trace device (or both) to compel production of or access "electronic device information" from a person or entity other than the "authorized possessor" of the device;*

Note: An authorized possessor is defined as the person who is in actual possession of an electronic device and who either owns the device or has the owner's permission to have possession of the device.

- *Personnel may access electronic device information by means of physical interaction or electronic communication with the device, only where they have a search warrant, wiretap order, tracking device search warrant [pursuant to Penal Code Sections 1524(a)(12) and 1534(b)] or order for a pen register or trap and trace device (or both);*
- *As exceptions to the warrant/order requirements, personnel may access electronic device information by way of direct manipulation or electronically connecting with the device:*

(A) With specific consent from the authorized possessor of the device;

Note: Specific consent is defined as consent that is given directly to the government entity seeking information. When a government entity is the intended recipient on an electronic communication, this satisfies "specific consent," even if the person making the communication does not have actual knowledge that he or she is communicating with the government.

(B) With specific consent from the owner of the device, only when the device has been reported lost or stolen;

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- (C) *When they have a good faith belief that an “emergency” exists. “Emergency” under this section is limited to circumstances involving danger of death or serious physical injury to any person;*

Note: When the electronic information is obtained due to an “emergency,” Department personnel must, within three (3) court days of obtaining the information, file an application for a search warrant or court order.

- (D) *If the device is seized from an authorized possessor of the device who is either on parole (under the supervision of the Department of Corrections and Rehabilitation) or a term of post release community supervision (under the supervision of County Probation);*

- (E) *If the device is seized from an authorized possessor of the device who is subject to an electronic device search as a clear and unambiguous condition of probation, mandatory supervision, or pretrial release; and,*

Note: Personnel should verify the existence of a specific electronic device search provision prior to accessing electronic device information based on this exception.

- (F) *Where personnel are accessing information concerning the location or telephone number of the device specifically in order to respond to an emergency 9-1-1 call from that device.*

- *Personnel must adhere to the following when applying for warrants under this section:*

- (A) *All search warrants shall describe with particularity, the information to be seized, and must include, as appropriate and reasonable: The time periods covered; the target individuals or accounts; the applications or services covered; and the types of information sought;*

Note: In the case of a search warrant for access to electronic device information by means of physical interaction or electronic communication with the device, the court may determine that it is not appropriate to specify time periods, due to specific circumstances surrounding the investigation (including the nature of the device to be searched).

- (B) *The warrant must require that any information obtained through the warrant’s execution that is unrelated to the objective (outside the scope) of the warrant shall be sealed and not subject to further review, use, or disclosure, without a court order or to comply with discovery required by Penal Code §§1054.1 and 1054.7; and,*

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- (C) *If the investigating officer seeks “electronic communications information” from a service provider, the warrant shall be accompanied by an order requiring the service provider to verify the authenticity of any electronic information produced.*
- *When a service provider VOLUNTARILY discloses electronic communication or subscriber information:*
 - (A) *Department personnel must destroy the information within 90 days, unless:*
 - (1) *Department personnel receive specific consent from the sender or recipient of the information; or,*
 - (2) *Department personnel obtain a court order authorizing retention of the information; or,*
 - (3) *Department personnel reasonably believe the information is related to child pornography crime and the information is stored in a multi-agency database and retained as evidence of such cases or related crimes; or,*
 - (4) *The service provider or subscriber is, or discloses the information to, a federal, state or local prison, jail or juvenile detention facility, and ALL participants to the electronic communication were told, prior to the communication, that the service provider may disclose the information to the government entity.*
- *Investigating officers must now serve NOTICE to the identified target of the search warrant or target of the emergency access to the device. This notice must:*
 - (A) *Inform the target that information about them has been compelled or requested;*
 - (B) *State, with reasonable specificity, the nature of the investigation regarding the obtained information;*
 - (C) *Include a copy of the search warrant, or, in the case of an emergency, a written statement setting forth facts giving rise to the emergency;*
 - (D) *This notice must be made contemporaneous to the execution of the warrant. If the electronic information was obtained as the result of an emergency, notice must be served within three (3) court days after obtaining the electronic information;*

Note: Service shall be affected by personal service, or delivered by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective.

 - (E) *Investigating officers are required to serve notice to the Department of Justice within three (3) days of the execution of the search warrant when the target of the search warrant is not known; and,*
 - (F) *Department personnel may seek to DELAY the required NOTICE, and prevent any party from notifying the target that information has been sought:*

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- (1) Pursuant to a request included in the warrant affidavit;*
- (2) Where the court determines there is reason to believe that notification may have an "adverse result";*
- (3) May be granted for up to 90 days, with court-issued extensions available.*

Note: When the extension period expires, the affiant must serve notice to the target, and the notice must (A) inform the target that information about them has been compelled or requested; (B) state, with reasonable specificity, the nature of the investigation regarding the obtained information; and (C) include a copy of the search warrant, or, in the case of an emergency – a written statement setting forth facts giving rise to the emergency, and include a copy of the electronic information obtained or a summary of it (include the number and type of records, date/time records created, and statement of grounds for court order delay in notification).

- *The California Electronic Communications Privacy Act does not change the authority of the Department to compel employees authorized to possess Department-issued electronic devices to return such devices to the Department.*

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FORM USE LINK
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**12.25.01 SEARCH WARRANT AND WARRANT SERVICE/TACTICAL PLAN
CHECKLIST, FORM 12.25.01**

12.25.01 - 01 Use of Form. The *Warrant Review Officer (WRO)* shall be the only authorized supervisor who shall complete the tasks listed on the checklist upon the execution and completion of a search warrant, and shall submit the completed checklist with the warrant package.

12.25.01 - 10 Completion. The completion of this form is self-explanatory.

12.25.01 - 80 Distribution.

1 - Original, warrant package.

1 - TOTAL

**LOS ANGELES POLICE DEPARTMENT
SEARCH WARRANT AND
WARRANT SERVICE/TACTICAL PLAN CHECKLIST**

Note: This form shall only be completed by the Warrant Review Officer **AFTER** each location has been searched and shall be included in the Search Warrant Package.

DR #: _____ WARRANT #: _____

Note: Review Department Manual Sections 4/742.10 and 4/742.30 for additional information.

This Checklist has been developed to assist officers in completing numerous administrative requirements for documenting search warrants and in completing the Warrant Service/Tactical Plan Report (Tac Plan), Form 12.25.00.

I. Review of the Warrant Affidavit:

- The concerned supervisor reviewed the Los Angeles County District Attorney's Office Search Warrant and Affidavit (Warrant Affidavit) and placed his or her initials AND serial number on the lower right-hand corner of EACH PAGE of the original Warrant Affidavit.

Is a Tac Plan required with this warrant? (Check appropriate box below.)

Note: Per Department Manual Section 4/742.10, a Tac Plan or Employee's Report, Form 15.07.00, is NOT required for search warrants when: targeting only global positioning system (GPS) devices or third-party records (e.g., telephone or bank records); serving warrants at secure locations (e.g., police facilities, jail facilities, prisons, official police garages); warrants involving body cavity searches, deoxyribonucleic acid (DNA), blood, urine, saliva, or other bodily fluids; or, for crime scene searches requiring a Mincey Warrant.

- Yes, a Tac Plan was required. Skip to the Warrant Service/Tactical Plan Report, Section II.
- No, a Tac Plan was not required (Complete the remainder of this sub-section).

- Provide a short explanation of why a Tac Plan was not required:

- The designated supervisor determined that a Tac Plan was not required PRIOR to the search warrant execution and completed an Employee's Report, if required by Department Manual Section 4/742.10. The Employee's Report shall include the following:

- Date and time of entry into a location;
- Method of entry into a location;
- Condition of the location prior to the officers' entry into the location and when the officers exited the location;
- Pre and post-search warrant photographs;
- Any injury or damage as a result of police action taken during the search warrant; and,
- Identification of the involved employees and the officer in

charge at the scene of the search warrant.

- The Employee's Report was APPROVED and SIGNED by the Area/specialized division commanding officer (CO).
- The Employee's Report was included in the Search Warrant Package.

II. Warrant Service/Tactical Plan Report:

Note: All boxes in Sections II and III shall be checked.

- The correct Tac Plan was used (the seven-page report – revised on April 2011).
- A separate Tac Plan and a separate Checklist were completed for each location of a multi-location search warrant.
- The officer responsible for the Tac Plan(s) completed Pages 1-6 and submitted the plan(s) to the concerned supervisor prior to the warrant service.
- The concerned supervisor reviewed and approved the Tac Plan(s) prior to the warrant service and signed as Approving Supervisor at the bottom of Page 1. (The supervisor initialing shall NOT be the same person as the Affiant.)
- The CO or his or her designee reviewed and approved the Tac Plan by placing his or her initials on the bottom right-hand corner of Page 1.
- The supervisor ensured that all involved personnel received a proper briefing prior to the service.
- The proper notifications were made and documented in the Tac Plan [e.g., Metropolitan Division (supervisor), watch commander (WC) of the concerned Area/division, WC for outside agency].
- A supervisor was present at each individual search location throughout the entire search.
- If the Affiant was a uniformed Gang Enforcement Detail officer, a lieutenant or above was present at each search location during the service of the warrant.
- A supervisor ensured proper documentation of any currency or valuables discovered during the search.
- The supervisor ensured that a completed Search Warrant and Affidavit face sheet and additional pages (when further description of a person to be searched or searched for, and particularly describing the property, thing, or things and the place to be searched are too long to fit in the face sheet) were left in a conspicuous place at the location. When the warrant is for multiple locations, information regarding locations not presently being served at the current specific location shall be redacted from documentation left at scene, so as not to reveal the full scope of an investigation to potential suspects.
- The supervisor ensured a Receipt for Property Taken into Custody, Form 10.10.00, was left at the location documenting all property seized.
- The supervisor ensured the items listed on the Receipt for Property Taken into Custody, matched the items listed on the Property Report, Form 10.01.00.
- After the warrant service, the designated supervisor completed the *Pre-Search Condition and Post-Search Condition* sections on Page 6 of the Tac Plan.

- Following the service of the warrant, the on-scene supervisor at the search warrant service conducted a debriefing no later than the next working day.
- The name of the supervisor conducting the debriefing is documented on Page 7 in the box labeled "Debriefing Conducted By."
- The concerned debriefing supervisor completed the section on Page 7 labeled Debriefing Comments. The Debriefing Comments shall include, at a minimum, information regarding the presence/absence of digital or hard copy photos, audio, and/or video recordings; supervisory oversight before, during, and after the service; the date, time and location of the debriefing; issues discussed; and, any training needs that were identified.

III. Additional:

- The completed Addendum to Return to Search Warrant was submitted to the court within 10 calendar days after the date of issuance [California Penal Code Section 1534(a)]. The date of issuance is day zero (California Government Code Section 6800). If the tenth day falls on a weekend or holiday, then it shall be submitted on the next scheduled court day. If not submitted within 10 calendar days (only in rare circumstances), check the box below and provide a brief explanation.

Date of actual submission: _____

- A warrant number was obtained from the clerk of the court.
- All required information is included on the Warrant Tracking Log, Form 08.17.05 (accessible through the Detective Case Tracking System), and the Tac Plan including the warrant number and the date of return.
- The CO or his or her designee reviewed and approved the Tac Plan within 14 calendar days after the date of the service and signed Page 7.
- The CO or his or her designee completed an Employee Comment Sheet, Form 01.77.00, for each supervisor who provided supervisory oversight at each search warrant location.
- The Employee Comment Sheets were completed within seven business days of the warrant service.
- The CO reviewed and signed a printout of the Warrant Tracking Log at the completion of the month. (See Department Manual Section 4/742.10 for exceptions and further instructions.)
- The original Tac Plan and this Checklist are stored with the Search Warrant and Affidavit in a secure location.