

**OPERATIONS ORDER****Search Warrants****Purpose of the order**

The purpose of this order is to provide procedures for obtaining and serving a search warrant, and the return of the search warrant.

How to obtain a search warrant during court hours

The following list describes the procedure an officer shall follow to obtain a search warrant after court hours.

- A. Prepare the search warrant package to be signed, making sure all needed areas are completed.
- B. The search warrant will be made up of the following:
 1. All necessary reports, documents, and supportive paperwork
 2. Along with the "Affidavit in Support of Issuance of a Search Warrant"
 3. "Affiant's Expertise" into the affidavit for search warrant package making sure the pre-printed affidavit face sheets are attached and properly completed
 4. Have original and at least one copy
- C. Take or send the affidavit to the District Attorney's Office for a Deputy District Attorney to review, as well as his/her approval and signature.
- D. Take the approved search warrant package to a Superior Court Judge for signature.
- E. After the Judge's approval and signature, take the entire package to the Sacramento County Court Felony Unit where it will be numbered and the original affidavit will be filed.

NOTE: If the object of the search warrant is of a sensitive nature, the numbering of the warrant may be done after the completion of the service of the warrant.

- F. Make necessary copies for service and report packages.

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Search Warrants, Continued

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- B. The search warrant will be made up of the following:
 - 1. All necessary reports, documents, and supportive paperwork
 - 2. Along with the "Affidavit in Support of Issuance of a Search Warrant"
 - 3. "Affiant's Expertise" into the affidavit for search warrant package making sure the pre-printed affidavit face sheets are attached and properly completed
 - 4. Have original and at least one copy
- C. Contact the on-call Deputy District Attorney for his/her review, approval and signature of the affidavit.
- D. Deliver the approved original search warrant package, including the affidavit, to the on-call judge for approval and signature.
- E. The judge usually returns the complete package, however, He/she may want to retain the affidavit.
- F. On the next court date (or after service of the warrant), file the Search warrant with the Sacramento County Court Felony Unit.

Procedure for obtaining an Oral affidavit (Skelton Hearing)

The following list describes the procedure to follow to obtain an oral affidavit (Skelton Hearing).

- A. An investigation may dictate when an oral affidavit may be appropriate.
- B. This would come about in situations where untested citizen informants have the facts tending to establish probable cause.
- C. An investigation may dictate when an oral affidavit may be appropriate.
- D. This would come about in situations where untested citizen informants have the facts tending to establish probable cause.
- E. Confer with a district attorney.
- F. Take the untested citizen informant in front of the magistrate.
- G. The magistrate may take a sworn oral statement from officer and/or the untested citizen informant.

Search Warrants, Continued

**Procedure for
obtaining an Oral
affidavit (Skelton
Hearing)
continued**

- H. The oral statement under oath shall be recorded and transcribed.
 - I. Both the recording of the statement and the transcribed statement shall be certified by the magistrate and filed with the court clerk.
 - J. In the alternative, the sworn oral statement shall be recorded by a court reporter and after being certified by the magistrate, the transcribed statement filed with the court clerk.
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**Procedure for
obtaining a
telephonic search
warrant**

The following list describes the procedure to follow to obtain a telephonic search warrant.

- A. A telephonic search warrant is intended to save the time of an appearance before both the District Attorney and the Magistrate.
 - B. Due to the more restrictive requirements associated with a telephonic warrant, officers are encouraged to use other forms of electronic communication to speed up this process first (i.e. E-mail).
 - C. If a telephonic warrant is deemed necessary, contact the supervising Deputy District Attorney of the Major Narcotics Unit for procedures.
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Search Warrants, Continued

Procedure for serving the search warrant

The following list describes the procedure to follow when serving a search warrant.

- A. Subterfuge may be used to get occupants to open the door.
 - 1. However, before entry by officers, announcement shall be given.
 - 2. Upon either admittance or refusal, entry can then be made.
- B. After securing the residence, officers shall verbally advise the Occupants of the contents of the search warrant (i.e., location, items to be seized, court and judge).
- C. It is not required to supply a copy of the search warrant to the occupants however; it usually causes fewer questions if one is given to an occupant. If a copy is supplied, it shall not include the affidavit portion of the search warrant.
- D. Items seized outside the scope of the search warrant (i.e., money, vehicles) shall be inventoried on a separate property booking form. The reason for seizure shall be stated on the property form (i.e.: asset seizure, stolen property, etc.).
- E. It is mandatory that officers leave a copy of the inventory list of all property taken at direction of the search warrant.

Warrant return

The following list describes the procedure for returning a warrant.

- A. Pursuant to section 1534 of the Penal Code, a warrant shall be executed and returned within 10 days of issuance.
The court has determined this to be 10 calendar days.
- B. Take the original search warrant, the return of search warrant and the recovered property list to the issuing judge, whenever possible.
 - 1. If the originating judge is not available, obtain the signature of another judge or his court.
 - 2. Have all documents filed after the judge signs the warrant return.
 - 3. Send a copy of the affidavit, search warrant, property inventory list, and warrant return to Records and attach a copy of same to the report copy sent to the District Attorney's Office.
 - 4. Send a copy of the return and property reports to the Property Warehouse.

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