

TRAINING



BULLETIN

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"Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy."

CONSOLIDATED RECORDS INFORMATION MANAGEMENT SYSTEM (CRIMS) E-WARRANTS

This Training Bulletin sets forth procedures for the application, review, issuance, and processing of the following warrants via the Consolidated Records Information Management System (CRIMS) eProcess, E-Warrants:

- I. Multifunctional Search Warrants
- II. DUI Blood Draw Search Warrants
- III. Ramey Arrest Warrants
- IV. Steagald Search and Arrest Warrants

The CRIMS E-Warrants process is to be utilized primarily during non-business hours with the on-call duty judge, Monday through Friday 1700-0900 hours and weekends.

I. MULTIFUNCTIONAL SEARCH WARRANTS

Pursuant to Penal Code § 1524, 1526, and 1534, this procedure is used for the application, review, issuance, and processing of search warrants via CRIMS E-Warrants.

A. Completion of Search Warrant and Affidavit

The affiant logs onto CRIMS e-Process E-warrants and clicks on the "Multifunctional Search Warrants" tab. The affiant completes the following:

1. Search Warrant

- a. Place(s), Person(s), Vehicle(s), or Item(s) to be Searched
The affiant includes the description(s) of the place(s), person(s), vehicle(s), or item(s) to be searched.
- b. Evidence to be Seized
The affiant includes the description(s) of the evidence to be seized.
- c. Evidence Type
The affiant must check the appropriate box(es), reflecting the ground(s) for the listed in the subsections under Penal Code 1524(a).



d. Special Procedures Request(s)

The affiant must check the appropriate box(es), reflecting the special procedure(s). The affiant shall include the grounds for the request(s) in the designated section(s) of the search warrant and/or in the affidavit.

2. Affidavit (statement of probable cause)

a. Statement of Training and Experience (“hero sheet”)

The affiant shall include a summary of his/her relevant training and experience in the statement of probable cause either:

- 1) Manually.
- 2) By clicking the “Include statement of training and experience” tab, in which case CRIMS will automatically insert the affiant’s statement of training and experience from the affiant’s stored digital file (from a previous affidavit).

b. Statement of Probable Cause

- 1) The facts upon which probable cause is based.
- 2) The description(s) of the place(s), person(s), vehicle(s), and item(s) to be searched.
- 3) The description of the evidence to be seized.

c. Attachments

If the affiant needs to include one or more attachments to the statement of probable cause, the affiant clicks on the “Attachment” tab and follows the instructions for attaching a document and incorporating it into the statement of probable cause. The combined size of all files must not exceed 1000 KB and the valid file extensions are PDF, TXT, PNG, GIF, JPG.

B. Supervisor and Commander Approval

A supervisor and a commander shall review all of the documents within the search warrant and affidavit for completeness and accuracy **prior to submission** to a magistrate. The affiant may include the approving supervisor's and commander's names in E-Warrants as authorized viewers so the supervisor and commander have the option to view the search warrant and affidavit in E-Warrants versus via hard copies. Since E-Warrants does not provide the ability for supervisors and commanders to approve the search warrant in E-Warrants, supervisors and commanders shall document their review and approval of the search warrant and affidavit on the Search Warrant Approval Tracking Sheet (TF-3343).

Commanders shall document the number of search warrants reviewed and approved in their Monthly Management Reports (TF-3312). Copies of the Search Warrant Approval Sheets (TF-3343) shall be included with the report. The reports are submitted to the commanders' respective Division commanders.

C. Affiant Contacts the Judge

After the search warrant and affidavit are approved by a sergeant and a commander, the affiant completes the following:

**1. Judge Notification**

The affiant notifies the judge that a search warrant and affidavit have been prepared and are ready to be transmitted to the judge via E-Warrants.

2. Special Procedure Requests

The affiant notifies the judge if the search warrant contains one or more special procedure requests.

3. Attachments

The affiant notifies the judge if the affiant incorporated any attachments to the statement of probable cause.

4. Priority

The affiant notifies the judge if the issuance of the search warrant is needed as soon as possible or, if not, when it will be needed.

5. Oath

The judge shall administer the oath to the affiant over the phone (Penal Code 1526(b)(2)(A)).

D. Affiant Transmits Search Warrant and Affidavit to the Judge

After being sworn, the affiant begins the process of transmitting the search warrant and affidavit to the judge by clicking the "Submit" tab (Penal Code 1526(b)(2)(A)). At this point, E-Warrants will do the following:

1. Format the Search Warrant

E-Warrants formats the search warrant based on the information contained in the worksheet. E-Warrants will delete from the proposed search warrant all special instructions that the affiant did not request.

2. Format the Affidavit

E-Warrants formats the affidavit based on the information contained in the worksheet.

3. Digital Signature

E-Warrants inserts the affiant's digital signature to the perjury declaration in the affidavit.

E. Judge Receives and Reviews the Search Warrant and Affidavit**1. Judge Receives the Search Warrant and Affidavit**

The judge confirms with the affiant over the phone that the search warrant and affidavit were received and are legible. Missing or illegible documents must be re-transmitted (Penal Code 1526(b)(2)(B)).

2. Judge Review

The judge reviews the search warrant and affidavit to determine if it contains facts that establish probable cause to search the listed person(s), vehicle(s), item(s), and location(s) for the listed evidence to be seized, and if there are sufficient grounds for the requested special procedure(s).



F. Judge Issues or Rejected the Search Warrant

1. Search Warrant Issued

If the judge determines that probable cause to search exists, he or she will do the following:

- a. Special Procedure Approval
For each special request, the judge will click the “Approve” or the “Deny” tab.
- b. Search Warrant Approval
The judge clicks the “Approve Warrant” tab. E-Warrants will do the following:
 - 1) Digital Signature
E-Warrants inserts the judge’s digital signature into the search warrant.
 - 2) Insert the Approved Special Procedure(s)
E-Warrants inserts the approved special procedure(s) into the search warrant.
 - 3) PDF File
E-Warrants converts the search warrant and affidavit into an unalterable pdf file.
 - 4) Transmission with Date and Time Stamp
E-Warrants transmits the search warrant and affidavit to the affiant after inserting the date and time of transmission (Penal Code 1526(b)(2)(c)(ii) and Penal Code 1526(b)(2)(D)).
 - 5) Transmit to Court Clerk
E-Warrants transmits a copy of the search warrant and affidavit to the Court Clerk.
- c. Judge Notifies Affiant
 - 1) Notification of Transmission
The judge notifies the affiant that he or she has transmitted the signed search warrant and affidavit to the affiant via E-Warrants.
 - 2) Affiant Confirms Receipt
The affiant notifies the judge over the phone that the affiant has received a copy of the signed search warrant and affidavit.

2. Warrant is Rejected

If the judge determines that probable cause to search does not exist, or that the affidavit fails to set forth sufficient facts to justify the implementation of all special requests, the judge will click the “Reject Warrant” tab. The judge and affiant may thereafter confer by phone to discuss the reasons for the rejection.

G. Affiant Prints Hard Copy of Search Warrant and Affidavit

The affiant prints at least four hard copies of the search warrant, affidavit and any attachments to the affidavit, and will write the words “Duplicate Original” on the first copy of the search warrant.



H. Search Warrant Service

The affiant writes on the “Duplicate Original” search warrant the date and time the warrant was executed (Penal Code § 1534(c)).

I. Search Warrant Return

1. Courts’ Search Warrant Return

Within ten days after the search warrant is issued, the affiant completes a Return of Warrant form via E-Warrants and transmit it to the Court Clerk’s Office (Penal Code 1534(a)).

2. OPD Search Warrant Return Policy

- a. Affiant
Officers, or designee, shall submit the search warrant return packet to the Search Warrant Coordinator at CID.
- b. Search Warrant Coordinator
Review the search warrant return packet for completeness and accuracy.
Forward the search warrant return packet to the CID Commander for final review.
Once reviewed and determined to be in compliance, scan the search warrant return packet into a PDF.
Stores the search warrant return packet PDF in an electronic folder for a period of (5) years.
- b. CID commander
 - 1) Review the OPD search warrant, affidavits, Chemical Analysis Reports, Search Warrant Inventory and Returns, and Search Warrant Tracking Approval Sheets submitted to CID.
Ensure the above mentioned documents are compliant with this Training Bulletin.
 - 2) Document the results of the inspections/reviews in the Management Report(s).

J. Court Clerk Processes

Each weekday morning, the Court Clerk’s Office will check CRIMS to determine if any search warrants were transmitted to the Clerk’s Office by the on-call judge. If so, the Court Clerk will do the following:

1. Print Search Warrant and Affidavit

The Court Clerk prints a hard copy of the search warrant and affidavit (including any attachments). If the Return of Warrant form did not accompany the warrant and affidavit, the Clerk will print and file it when it is received.

2. Assign Search Warrant Number

The Court Clerk assigns a search warrant number to the search warrant, affidavit, and Return of Warrant.

3. “Original Warrant”

The Court Clerk writes the words “Original Warrant” on the search warrant.



4. File Documents

The Court Clerk files the hard copies of these documents as they would with all hard copy search warrant return.

Affiants and officers have no involvement in the Court's process, unless there is an issue with the Court's process.

K. Affiant Provides Copies of Search Warrant to DA

The affiant shall ensure that at least one copy of the following shall be provided to the District Attorney's Office at the time the case is presented for charging:

1. The "Duplicate Original" warrant
2. The affidavit (including any attachments)
3. The Return of Warrant.

The District Attorney's Office will promptly provide copies of these documents (unless sealed) to the arrestee's attorney of record in the course of discovery.

II. DUI SEARCH WARRANTS

Pursuant to California Penal Code §§ 1524(a)(13), 1526, and 1534, the following is the procedure to be utilized for the application, review, and issuance of search warrants via E-Warrants for the drawing and testing of blood samples from drivers who have been arrested for violating section 23140, 23152, or 23153 of the California Vehicle Code; and refused an officer's request to voluntarily permit a sample of the driver's blood to be drawn in a medically approved manner.

For the application, review, issuance, and processing of DUI Blood Draw search warrants, refer to the policy and procedures outlined in Section I, *Multifunctional Search Warrants*. The E-Warrants DUI Blood Draw search warrant process is almost identical to the *Multifunctional Search Warrants* process, except for the following:

- A. The affiant logs onto CRIMS E-Warrants and clicks on the "DUI Blood Draw" tab.
- B. Due to the immediate dissipation of the blood alcohol or drugs in the body, command approval is not required for DUI Blood Draw search warrants.

III. RAMEY ARREST WARRANTS

Pursuant to Penal Code § 817, the following is the procedure to be utilized for the application, review, issuance, and processing of pre-complaint warrants of probable cause for arrest, commonly known as Ramey warrants, in E-Warrants.

For the application, review, issuance, and processing of Ramey arrest warrant, refer to the policy and procedures outlined in Section I, *Multifunctional Search Warrants*. The E-Warrants Ramey arrest warrant process is almost identical to the *Multifunctional Search Warrants* process, except for the following:

- A. The affiant logs onto CRIMS E-Warrants and clicks on the "New Ramey" tab.
- B. The affiant completes a Certificate of Service instead of a Search Warrant Return form via E-Warrants and transmit it to the Court Clerk's Office.



- C. The policy outlined under Section I. I. 2., *OPD Search Warrant Return Policy*, is only applicable to search warrants. The *OPD Search Warrant Return* process is not required for Ramey arrest warrants.
- D. The affiant shall ensure that at least one copy of the following shall be provided to the District Attorney's Office at the time the case is presented for charging:
 - 1. The "Duplicate Original" warrant
 - 2. The declaration of probable cause (including any attachments)
 - 3. The Certificate of Service

The District Attorney's Office will promptly provide copies of these documents (unless sealed) to the arrestee's attorney of record in the course of discovery.

- E. No supervisor or commander approval is required for Ramey Arrest Warrants.

IV. STEAGALD SEARCH AND ARREST WARRANTS

Pursuant to Penal Code §§ 817 and 1526, the following is the procedure to be utilized for the application, review, issuance, and processing of Steagald search and arrest warrants via E-Warrants.

For the application, review, issuance, and processing of Steagald search and arrest warrants, refer to the policy and procedures outlined in Section I, Multifunctional *Search Warrants*. The E-Warrants Steagald search and arrest warrants process is almost identical to the *Multifunctional Search Warrants* process, except the affiant logs onto CRIMS E-Warrants and clicks on the "New Steagald" tab.

ITD Helpdesk: If judges or officers need technical assistance at any point in the process, call or email the 24-hour ITD Helpdesk:

Phone: (510) 272-3744.

Email: ITDHelpDesk@acgov.org