

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."

RAMEY/STEAGALD WARRANTS

Definition:

Ramey Warrant

A Ramey Warrant is signed by a magistrate, based upon probable cause, allowing a peace officer to enter the home of the arrestee for the purpose of taking them into custody.¹ A Ramey Warrant does not challenge the legality of the arrest, only the entry into the house.

In the case of *People v. Ramey* (16 Cal. 3d 263), the California Supreme Court ruled that, in the absence of exigent circumstances, an arrest warrant or consent, officers may not enter the home of a suspect for the purpose of arresting them.

Officers must comply with Ramey when:

1. They enter a home, **AND**
2. Their purpose is to arrest a resident.

Steagald Warrant

A Steagald Warrant is:

1. A warrant of arrest, *and*
2. A warrant to search for the arrestee in the home of a person *other* than the arrestees.

In *Steagald v. United States*, the United States Supreme Court ruled that officers may not enter the home of a suspect's relative, friend, or other third party for the purpose of arresting the suspect unless they have a search warrant.²

"Do not Violate Ramey"

Officers may not enter a home to affect an arrest merely because probable cause exists to arrest. If the suspect is located inside a residence, an arrest or search warrant, the consent of a permissible occupant, *or* exigent circumstances must also exist. Ramey warrants are probable cause warrants that are obtained before, or in lieu of a complaint warrant.

¹ CAL: *P v. Ramey* (1976) 16 C3 263, 275

² USSC: *Steagald v. US* (1981) 451 US 204



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Exceptions: A warrant is *not* required to enter a residence or other structure for arresting a person inside under any of the following circumstances:

- Hot Pursuit – The physical chase of a suspect.
- Fresh Pursuit – An “investigatory” pursuit where officers are actively attempting to apprehend the suspect. Fresh pursuits do not require a physical chase.

Consent

Although Ramey warrants sometimes contain the suspect’s last known address, this is merely an aid to locating the suspect— it does not constitute authorization to enter that residence.

Prior to entering a residence to execute an arrest based on a Ramey warrant, officers must have probable cause to believe:

1. The suspect lives inside the residence, and
2. He or she is presently inside.

If probable cause exists that a suspect is inside of a residence, officers must also determine if the residence is the suspect’s or another persons. If the residence is not the suspect’s, and exceptions to Ramey do not exist, then officers must have a Steagald warrant prior to entry.

The following are suggested considerations in determining whether a suspect is inside the house upon execution of a Ramey warrant:

1. Listed Address

- It was the suspect’s last known address.
- Suspect was receiving mail at the address.
- Utilities at the address were listed to the suspect.
- Suspect listed the address on a credit card application.
- Suspect listed the address on a vehicle repair work order.
- Suspect listed the address on DMV records.
- Suspect listed the address when booked recently.
- Suspect gave the address when he was recently given a traffic ticket.
- It was the most current address on the suspect’s probation or parole records.
- Suspect’s phone number was listed to that address.
- Hotel registration listed the suspect as an occupant of the room.

2. Suspect on the premises

- Suspect was seen at or near the residence.
- Suspect’s car was parked at or near the residence.
- Suspect’s trailer was parked adjacent to the house.
- Cars belonging to the suspect’s known associates were regularly parked in the driveway or nearby.
- Officers saw the suspect unlock a door to the residence and enter.
- Officers saw the suspect taking the garbage out of the house, bringing in the laundry, or visiting with neighbors.
- Officers telephoned the residence and spoke with the suspect.
- Officers met with the suspect at the residence on one or more occasions.
- Officers saw the suspect leaving the house at 7:30 A.M. with his wife and child.



3. Information from suspect or others

- Suspect told an officer he was “staying” at the house and could be contacted there.
- Suspect said he was “staying with” the homeowner.
- An apartment manager or motel desk clerk identified the suspect as the occupant.
- A reliable informant said the suspect was living at the house.
- Two or more untested informants, acting independently, said the suspect lived there.
- An untested informant said the suspect was living there, plus there was some corroboration.
- Neighbors or household staff identified the suspect as a resident.
- Suspect’s wife, child, or roommate said he was living there.

4. Miscellaneous

- Suspect leased the premises or paid the rent.
- Suspect possessed keys to the residence.
- Photos of the suspect or his family were inside the residence.
- Suspect was young, unemployed, and transient, which suggests he was still living in his parent’s home.
- Suspect had just been released from prison so he might be living at his parents’ home.
- Suspect was evasive when asked if he lived in the house.
- Officers were unable to contact the suspect at the other residence in which he claimed to live.³

Suppression of Evidence and Constitutional Amendment Violations

It is imperative that officers protect the integrity of private structures and the reasonable privacy expectations of the occupants. Not doing so can lead to the suppression of evidence and officers liable for the violations of one’s 4th Amendment Rights.

If officers entered the arrestee’s house in violation of *Ramey*, evidence obtained inside will be inadmissible and/or any statements made by the arrestee while he was inside the house will be suppressed. Furthermore, officers who enter a third party’s house in violation of *Steagald*, any evidence discovered inside a house cannot be used against the third party or other person who had a reasonable expectation of privacy in the premises.

Note: If the arrestee is a mere visitor, he or she does not have a protectable privacy interest in the home and, therefore, any evidence that incriminates him/her will not be suppressed as a result of the *Steagald* violation.⁴

³ Hutchins, Mark. ALCO DA. 2005. 29 June 2009
<http://le.alcoda.org/publications/point_of_view/files/RAMEY.pdf>.

⁴ USSC: *Steagald v. US* (1981) 451 US 204, 219; **9th CIR:** *US v. Underwood* (9C 1983) 717 F2 482, 484;; *US v. McCarson* (DCC 2008) 527 F3 170,