



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 504 – Execution of Search Warrants

Office with Primary Responsibility:	CTA	Effective Date:	November 01, 2012
Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, FTC, IDC, SSO	Prior Revision Date:	July 31, 2010
Forms Referenced in Procedure:	SAPD Form #OP-2003 SAPD Form #8-PWC SAPD Form #8-WIC	Number of Pages:	7
		Related Procedures:	601, 606

.01 INTRODUCTION

- A. The purpose of this procedure is to establish departmental guidelines under which officers of the San Antonio Police Department follow in the delivery and execution of search warrants.
- B. The duties to search, definitions, requisites, issuance, scope, authority, and execution of search warrants are outlined in Chapter 18 of the Texas Code of Criminal Procedure.
- C. An officer to whom a valid search warrant has been issued executes that warrant in the manner provided by law, by guidelines established in this procedure, and by adhering to each respective unit's standard operating procedures (SOP).

.02 GENERAL PROCEDURES

- A. Any search warrant that appears to be in proper form is presumed to be valid. Any warrant which does not appear to be in proper form is not executed and is returned to the magistrate who issued it. This includes any warrant containing significant errors in identifying the place to be searched or the property to be seized.
- B. A warrant is never altered in any manner.
- C. An officer never represents to any person that a search warrant has been issued in a particular case, knowing such is not true, in order to obtain consent to search.
- D. During normal duty hours, the Officer-in-Charge or Warrant Execution Supervisor assigned to units that do not routinely execute search warrants (i.e., Patrol and Traffic) must notify the Investigations Division Unit which has investigative responsibility for the offense listed in the search warrant, so any active investigations are not compromised.
- E. When executing search warrants after normal business hours, the Officer-in-Charge or Warrant Execution Supervisor assigned to units that do not routinely execute search warrants (i.e., Patrol and Traffic) must contact a Supervisor from the Tactical Response Unit, Repeat Offenders Program, Narcotics Unit, or Night Detectives for guidance and assistance.
- F. The Officer-in-Charge or Warrant Execution Supervisor must notify the Deconfliction Unit (207-2495) prior to execution of the search warrant. If a location of interest is listed with the Deconfliction Unit, the Officer-in-Charge or Warrant Execution Supervisor shall contact the officer who placed the location into deconfliction for resolution. Any conflicts not resolved shall be elevated to the Supervisor in charge of the unit who placed the location into deconfliction and the Warrant Execution Supervisor for resolution.
- G. When planning to execute a high risk search warrant, or where there is a probability forced entry will be needed to gain entry, each member involved in the execution of a search warrant wears body armor.
- H. Prior to the execution of any search warrant:
 - 1. Officers will check the Arrest Warrant Database on SAMWEB, <http://samweb/warrantForm.asp> prior to execution of the warrant for updated notes on the suspect.



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2. Officers will utilize SAPD Form #8-PWC, *Police Arrest/Search Warrant Checklist*, for Felony Search Warrants or any crimes of violence.
3. The Arrest/Warrant Checklist will determine whether the warrant should be executed by the officer or if a specialized unit or units should be called.

I. After executing any warrants:

1. Officers will UPDATE the Arrest Warrant Database on SAMWEB <http://samweb/warrantForm.asp> adding any pertinent information available.

.03 DECONFLICTION

A. The South Texas HIDTA Investigative Support Center (managed by SAPD) has been designated as the hub for de-confliction services by the South Texas HIDTA Executive Board. As such, it is the single point of contact for the entire South Texas Region.

B. Plainclothes officers will deconflict through HIDTA on Arrest and Search Warrants.

1. Prior to executing a planned felony arrest or search warrant, the Officer-In-Charge will contact the South Texas HIDTA Investigative Support Center at 207-2495 and provide all necessary information for the de-confliction process to take place.

a. Information to be provided will include:

- (1) a physical address,
- (2) block number or intersection.

b. Information on the suspect named in the arrest warrant will include:

- (1) first and last name,
- (2) DOB,
- (3) race/sex,
- (4) and when available, secondary identifiers such as a social security number, driver's license number, FBI number, etc.

2. This information shall be provided as soon as available, practical, and possible, with as much forewarning as possible.

3. A minimum two (2) hour advanced notice to the Deconfliction Center is required for optimum conflict resolution.

.04 TERMINOLOGY (For specific use within this procedure, see Glossary)

Curtilage	Entry Team	Evidence Officer (fix to GM in glossary)
Exigent Circumstances	Officer-In-Charge	Search Team
Security Team	Verification Officer	Warrant Execution Supervisor

.05 TIME OF SEARCH



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- A. A search warrant is executed in accordance with Code of Criminal Procedure Article 18.07. This article defines the time allowed for the execution of a search warrant, exclusive of the day of its issuance and the day of its execution, is:
 - 1. Fifteen (15) whole days if the warrant is issued solely to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples; or
 - 2. Three (3) whole days if the warrant is issued for a purpose other than described by Subdivision (1).
- B. Within the above period allowed for execution, the time of the actual execution is determined based on the following considerations:
 - 1. The execution should occur when the property to be seized is believed to be present;
 - 2. The execution should occur when the least resistance is expected, or when resistance can best be controlled;
 - 3. Other such considerations of safety, success, and convenience as may be applicable; and
 - 4. There are no time limits on the continuous search of a location once actual entry has been made.

.06 SCOPE OF SEARCH

- A. A search warrant is executed at, and the search made of, only the place or places described in the warrant.
 - 1. The search may extend to all buildings or structures within the curtilage of the described place where the items sought may be kept.
 - 2. A warrant describing the place to be searched as a limited portion of larger premises may not be extended to other, unnamed portions.
 - 3. Vehicles located upon multi-unit dwelling premises (i.e., apartment complexes) are not searched unless specifically named in the warrant.
- B. The search is limited to discovering those items named in the warrant, and examining those places or things, which could contain or conceal the items described in the warrant.
- C. Items discovered during a lawful search, but not named in the search warrant may be seized if:
 - 1. They were found in a place reasonably within the scope of the search; and
 - 2. There is probable cause to believe they are stolen, or are evidence or instruments of a crime.
- D. Persons named in the search warrant are searched and any person(s) the officer(s) develop reasonable suspicion to believe is armed are frisked. The officer(s) may search persons found on the premises to prevent the disposal or concealment of any instruments, articles, or things particularly described in the warrant, if there is probable cause the person(s) may have such items upon his person. In determining whether probable cause exists officer(s) consider:
 - 1. The nature and physical characteristics of the item sought;
 - 2. The ease with which the item may be disposed of, if so concealed;
 - 3. The fact, if true, the item has not been located upon the premises; and



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4. The relationship of the person to the premises, including ownership, residence, frequenter, and to those in control of the premises.

.07 RESPONSIBILITIES

A. Warrant Execution Supervisors:

1. Assigns a "Verification Officer" when applicable in accordance with this procedure;
2. Reviews and approves all search warrants, SAPD Form #OP-2003, *Operational Plan*, SAPD Form #8-PWC, and SAPD Form #8-WIC, *Warrant Intel Checklist*, prior to execution of the search warrant;
3. Ensures location has been properly identified, adequate manpower and equipment are available, and all provisions of this procedure are being followed for the proper and safe execution of the warrant;
4. Ensures adequate steps are taken to provide for the safety and security of the officers involved, items being sought, and any persons who may be at the scene of the execution of the warrant;
5. Ensures uniformed officer(s) are present at the location named in the search warrant;
6. Except during periods of extenuating circumstances, accompanies officers in the execution of the warrant; and
7. Ensures the dispatcher is notified before and after the execution of the warrant.

B. Officer-in-Charge:

1. Conducts warrant research in accordance with SAPD Form #8-WIC;
2. Physically views the location to be searched in order that a precise address and description can be obtained, or ensures the warrant verification officer involved with the warrant physically views the location;
3. Completes SAPD Form #8-PWC and submits it and all documentation to the Warrant Execution Supervisor for evaluation prior to execution of the search warrant;
4. If the Warrant Execution Supervisor will not be present when the warrant is executed, he ensures adequate steps are taken to provide for the safety and security of the officers involved, items being sought, and any persons who may be at the scene of the execution of the warrant;
5. If the Warrant Execution Supervisor will not be present when the warrant is executed, he develops a written plan for execution of the search warrant to ensure the location has been properly identified, adequate manpower and equipment is available, and all provisions of this procedure are being followed;
6. Assigns officers to the "Entry Team," "Security Team," and "Search Team";
7. Ensures all officers involved are aware of their assigned duties and responsibilities;
8. Ensures the warrant is carried to the scene and is exhibited to the person, if any, in charge of the premises;
9. If the Warrant Execution Supervisor will not be present when the search warrant is executed, he notifies the supervisor before and after executing the warrant; and
10. The duties of the Officer-in-Charge do not supersede those of the Warrant Execution Supervisor, when that Supervisor is present.

C. Verification Officer



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1. When planning to execute a search warrant, a single officer (other than the Officer-in-Charge) will be assigned by the Warrant Execution Supervisor as the Verification Officer.
2. The Verification Officer is responsible for positively identifying the correct location where the warrant will be executed and for directing the entry team to the correct location. The Verification Officer will confirm the address or warrant location description named in the warrant and warrant affidavit is the same as the address or location description where the warrant will be executed.
3. The name of the Verification Officer will be listed on the SAPD Form #OP-2003 and on SAPD Form #8-PWC.
4. The Verification Officer will accompany the entry team or an officer assigned to the entry team to positively identify and point out the correct location described in the search warrant. It is not necessary for the Verification Officer to accompany the entry team into the warrant location when the entry is made.

.08 PLANNED FORCED ENTRY

- A. In planning a forced entry, the supervisor of the unit executing the warrant reviews SAPD Form #8-PWC. This form is designed to determine the degree of probability of death or serious bodily injury.
- B. When the Warrant Execution Supervisor determines a high probability of death or serious bodily injury exists, the Supervisor or his designee shall contact a Special Weapons and Tactics Unit Supervisor to determine the necessity for inclusion of Special Weapons and Tactics Unit members in the execution of the warrant.
- C. In all planned forced entries, the Warrant Execution Supervisor ensures enough officers are present to adequately protect the safety and security of all persons involved.
 1. This includes the presence of uniform officers to identify the group as members of the Department.
 2. In normal circumstances, uniformed officers enter the premises with nonuniformed officers.

.09 SEARCH PROCEDURE

- A. Persons other than peace officers, police legal advisors, and members of the District Attorney's Office are not allowed to accompany officers in the execution of a search warrant, unless approved in advance through the Office of the Chief of Police.
- B. Entry into the premises is accomplished by the least forceful means possible under the circumstances.
 1. When entering private premises, officers knock, announce their identity, and demand admittance. They then wait to be admitted and explain their purpose if so requested.
 - a. This announcement and demand are not required when the officer in charge can articulate particular exigent circumstances that exist that create a reasonable suspicion that to announce and demand would be futile or would jeopardize:
 - (1) The safety and security of the officers or nearby citizens; or
 - (2) The items sought.
 - b. The officer in charge should articulate in the affidavit these specific exigent circumstances if they exist at the time the affidavit is prepared, requesting specific authorization in the warrant for a no-knock entry.
 - c. In such cases, officers enter the premises by the most efficient means possible, while inflicting as little damage as possible to the premises. This may include breaking any door or window, but only if such is necessary.



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- C. Whenever possible, upon entering a building or other premises, uniformed officers are on site and in plain view to assist in locating and controlling the movements of all persons.
1. Necessary force may be used to secure the premises.
 2. An officer explains fully the reason for the officers' presence, the nature of the items sought, and displays the warrant.
 3. As soon as the building has been secured, any officers who are no longer needed leave the area.
- D. When the premises have been secured, a searching team conducts the search. The searching team is composed of as few officers as is practical and may include members of the security team.
1. Damage to the premises is minimized. Any structural damage or modification is carefully considered before being inflicted.
 2. The search is confined to places where the items sought could be concealed.
 3. Two (2) officers should be assigned to search a single room or area, if possible.
 4. A record is kept during the course of the search as to which areas have been examined, by whom, the nature of any item seized, and where it was found.
 5. All items seized are turned over to the evidence officer, along with the record of the search. That officer makes a property receipt for all items seized for the person from whose possession or control they were taken and completes the return of the warrant by attaching an inventory of the items seized and delivering it to the magistrate. The inventory list may be used in lieu of the property receipt.
 6. All items seized are handled in accordance with GM Procedure 606.
 7. The officer in charge submits a written report following the execution of the warrant regardless of whether or not the search proved fruitful. The original is routed to the Records Section and a copy is routed to the unit commander. This report includes:
 - a. Damage to premise in gaining entry, if any;
 - b. Use of force in overcoming resistance, if any;
 - c. Articles seized (including, those not described in the warrant);
 - d. How the damaged premise was secured upon departure; and
 - e. A list of all officers executing the search warrant.
- E. Before leaving the scene after executing a search warrant, a designated officer ensures the premises are adequately secure as well as possible, either by leaving them in the hands of a responsible person or by locking all doors, windows, etc.
- F. A second search is not permitted under the same warrant once officers have left the premises.



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.10 ARRESTS DURING SEARCH

- A. In cases of combined warrants commanding both arrest and search or where officers suspect there may be arrest warrants outstanding, they may require persons on the premises to identify themselves in order to determine whether any of those persons are named in the arrest warrant. Persons on the premises may be required to identify themselves if they are witnesses to the search or arrest.
- B. Should any contraband or other item be found during the search, the presence of which yields probable cause to believe an offense has been committed, the officers may arrest any or all of those persons on the premises for whom probable cause to arrest exists.
- C. Should any person resist or interfere with the lawful actions of the officers during the execution of the search warrant, that person may be arrested and charged with the offense committed.
- D. There is no requirement in the law that persons on the premises at the time of the search identify themselves unless there is reasonable suspicion of some involvement in criminal activity or the person is a witness.
- E. Arrests are made in accordance with GM Procedure 601, *Prisoners*.

.11 TRAINING

- A. When executing a planned “high risk” forced entry, prior to assignment as an entry team, security team or search team member, the officer, detective and supervisor will be provided training for the specific duties assigned while executing the search warrant. The training will be documented and will include, at a minimum, the following courses of instruction:
 - 1. Intelligence gathering;
 - 2. Building entries;
 - 3. Room clearing;
 - 4. Weapons handling;
 - 5. Breaching techniques;
 - 6. Shield handling techniques; and
 - 7. Evidence handling procedures.
- B. At a minimum, training shall be conducted on a quarterly basis to maintain proficiency in the above listed skills.
- C. The Unit Director will be responsible for maintaining a record of all training.