



DEPARTMENTAL REGULATIONS
CONCORD POLICE DEPARTMENT

PROCEDURE 10
EFFECTIVE DATE: 12/2010
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I.D. NUMBER: 383

Chief of Police

WARRANT SERVICE

A. POLICY STATEMENT

State laws have been enacted that place strict guidelines on law enforcement personnel when serving arrest warrants. The personnel of the Concord Police Department will follow those guidelines to ensure we protect the rights of those people whom we arrest.

B. PURPOSE

1. This Departmental Procedure establishes a uniform method for serving arrest warrants in accordance with Penal Code Sections 827.1, 4030, 853.5, and 853.6 and Vehicle Code Section 40304.5.

C. GENERAL

1. Only sworn officers of the Concord Police Department shall serve arrest warrants.
2. Penal Code Section 853.5 provides for the release of a person taken into custody for a warrant(s) charging an infraction after signing a promise to appear (CP-59).
 - .1 The CP-59 form shall be completed by the arresting officer or releasing officer.
3. An Arrest/Detention/Field Interview Report (CP-415-1) will be completed by the arresting officer in all warrant arrests.
4. Immediately after serving a warrant, the arresting officer shall notify the Communications Center of the disposition to allow for updating the warrant. State whether the subject is held in custody, posted bail or released on a promise to appear. The Communications Center should document this in the call history.

D. PROCEDURE FOR ASSIGNED OFFICER

1. Persons taken into custody for two or fewer warrants for parking or other traffic infractions may be brought to the Station. In accordance with Vehicle Code Section 40304.5, they will be given the opportunity immediately to post bail and shall not be booked, photographed, or fingerprinted, nor shall an arrest record be made unless and until all of the following requirements have been exhausted.
 - .1 If the person has sufficient cash in his or her possession, that person shall be given the opportunity *immediately* to post bail.
 - .2 When bail is not immediately available and telephone calls cannot be completed, the arrestee may be released immediately on a CP-59 form.

- .3 If the person does not have sufficient cash in his or her possession, that person shall be informed of his/her rights and given the opportunity to do all of the following:
 - .01 Be permitted to make not less than three completed local or collect long distance telephone calls to obtain bail.
 - .02 Have not less than three hours in which to arrange for the deposit of bail.
 - .001 Refer to Department Procedure No. 3 for infraction detention areas.
 - .002 Persons held in the detention area while attempting to arrange bail shall be pat searched and all property shall be removed from their possession.
- .4 If after three hours bail cannot be arranged, the arrestee may be booked or be released on a CP-59 form.
 - .01 Appearance dates for the CP-59 shall be obtained from the Court Appearance Log maintained in the booking office.
 - .02 The white copy of the CP-59 shall be forwarded to the Warrant Desk. The yellow copy is forwarded to the Records Bureau, and the pink copy is given to the arrestee.
 - .03 After being given three hours to arrange bail, male arrestees may be booked and may then be transported to the Contra Costa County Sheriff's Main Detention Facility (MDF).
 - .04 Female arrestees not eligible for CP-59 release shall be transported as soon as possible to MDF and shall not be held at C.P.D. for three hours before booking.
2. Persons arrested for three or more warrants for Vehicle Code infractions and/or misdemeanors shall be brought to the Concord Police Department Temporary Holding Facility .
 - .1 Arrestees shall be booked and processed as directed in Department Procedure No. 3, and be given the opportunity to post bail.
 - .2 Persons in custody for a warrant charging any of the misdemeanor violations enumerated in Penal Code Section 827.1 and unable to post bail shall be transported to MDF.
 - .3 If bail is not available or cannot be arranged within a reasonable amount of time, and the warrant does not charge a violation enumerated in Penal Code 827.1, the arrestee shall be released on CPD form 59.
 - .4 In accordance with 4030 P.C., persons held on misdemeanor and/or infraction charges, other than weapons, controlled substances, or violent offenses, shall not be placed in the main jail area until they have had the required three hours to arrange bail.
3. Persons arrested for a felony warrant(s) shall be transported to the Station and booked in accordance with Department Procedure No. 3.
 - .1 If unable to arrange for immediate bail, the arrestee shall be transported to MDF.

E. POLICE COMMUNICATIONS CENTER PROCEDURE

1. Upon locating a warrant in the computer system, Communications Personnel will advise the officer making the warrant check and attempt confirmation at the officer's request.

- .1 Warrant verifications from DOJ and NCIC for persons arrested by this agency must be sent to the printer in the Warrants Bureau/Records.
2. Once a warrant notification is confirmed, the Communications Personnel will:
 - .1 Send one copy of each warrant to the Warrants Desk/Records Bureau, Communications Center, and Jail printers.
 - .2 Change the call type of all warrant arrest incidents to WRNT unless the warrant arrest is secondary to another charge.
 - .3 Warrant arrest incidents where an arrested person is booked or cite released will be assigned a case number and cleared by the officer's MDC or the Communications Personnel terminal with an ARR disposition.
 - .4 The incident history shall include a brief statement of the warrant disposition: no-book, bailed and booked, booked and transported, cite released.
 - .5 The warrant verification message in JAWS, DOJ, or NCIC will be updated as soon as the warrant has been served.
 - .01 The Warrants Bureau will update all warrant verifications.

F. DISPOSITION OF PERSON ARRESTED BY ANOTHER JURISDICTION

1. Occasionally, the Concord Police Department will receive notification from another jurisdiction that they have a person in their custody that was arrested for a warrant resulting from a Concord case.
 - .1 If a Concord officer responds to pickup the prisoner from the outside jurisdiction, the prisoner should be booked through the Concord Police Department Temporary Holding Facility, under the following circumstances:
 - .01 The prisoner has never been booked by the Concord Police Department.
 - .02 The prisoner has not been booked by the Concord Police Department within the past six months.
 - .03 There is some other circumstance that makes booking the prisoner through the Concord Police Department Temporary Holding Facility necessary or appropriate.
 - .2 If the prisoner does not fall into one of the categories listed in Sections F.1.1.01 through F.1.1.03, then the prisoner can be transported directly to MDF.
 - .3 The original number of the case that prompted the issuance of the arrest warrant shall be used on all subsequent paperwork related to the matter.

**CONTRA COSTA COUNTY POLICE CHIEF'S ASSOCIATION
POLICY GUIDELINE**

**INTER-AGENCY EXECUTION OF
SEARCH AND FELONY ARREST WARRANTS**

- A. Policy Statement:

1. This guideline represents the understanding and agreement among the member agencies of how warrants should be served.
2. This guideline shall be in effect when members of any department conduct a planned operation within the jurisdiction of another agency.
3. This guideline is not a statute, ordinance or regulation. This guideline is not intended to increase the civil or criminal liability of the member agencies or their employees and shall not be construed as creating any mandatory obligations to, or on behalf of, third parties.

B. Definition of Terms:

1. Venue Agency - The agency or agencies within whose geographical jurisdiction the warrant is to be served.
2. Service Agency - The law enforcement agency that has accepted the responsibility for service of the arrest or search warrant.
3. Hazardous Materials - Any substance or material in any form or quantity that poses a physical or health hazard to life, property or the environment.
4. Briefing - A structured meeting involving the communication of information, instructions and guidelines.

C. General:

1. The service of search and felony arrest warrants frequently involves multiple jurisdictions and/or is accomplished in geographical areas where the agency serving the warrant does not have the primary responsibility for the delivery of general police services.
2. The establishment of a formalized guideline among the law enforcement agencies in Contra Costa County for the service of warrants, will tend to maximize the probability that they will be executed in a safe, orderly and effective manner.
3. The service of felony arrest and/or search warrants will normally be the responsibility of the agency, which has prepared the affidavit or is investigating the crime. An agency may, however, defer the service of a warrant to another agency as they agree.
4. This guideline does not require that the venue agency participate in all warrants served in its jurisdiction as individual priorities, needs and circumstances may dictate otherwise. However, each agency will make every effort to provide reasonable levels of assistance and should not obstruct, impair or delay the execution of a warrant lawfully held by another agency.
5. This guideline is not intended to address the service of non-felony arrest warrants which will be handled on a case-by-case basis as the involved agencies agree.

D. Warrant Service Procedure:

The service of a warrant may be a relatively routine task or, in varying degrees, one which requires a great deal of planning and coordination to reduce the associated risks.

1. Command Structure:

- a. The service agency is responsible for the execution of the warrant.

- b. The service of a warrant shall include the designation of one of the involved officers as the "officer in charge." Such an officer may or may not be a supervisor, but he or she shall be responsible for the proper execution of a warrant.
- 2. Notification:
 - a. Prior to the service of a warrant, the service agency shall notify, in a timely manner, the venue agency of the proposed execution. Where appropriate, notification will normally be made to the watch commander and to units assigned to similar functions. Such notification shall include, but not necessarily be limited to:
 - 1. The location where the warrant(s) will be served and the name of the person involved.
 - 2. The general circumstances surrounding the obtaining of the warrant(s) and the charge(s) upon which the warrant is based.
 - 3. Any potentially dangerous circumstances which are known to exist.
 - 4. What assistance, if any, is required of the venue agency.
 - 5. The name of the officer in charge.
 - 6. The proposed time of the execution.
 - 7. The location and time of the warrant briefing.
 - b. Once received, the venue agency is responsible for:
 - 1. Maintaining the confidentiality of the information.
 - 2. Any intra-department communications, which are appropriate given the nature of the warrant service.
- 3. Risk Analysis:

The officer in charge shall evaluate the risk(s) to the public and/or to the officers involved in the service of the warrant and shall incorporate tactical planning steps to reduce the associated dangers.

 - a) The service of warrants which offer a high degree of potential danger should include, where feasible, the following:
 - 1. Involvement of a representative from the venue agency in the development of a tactical plan.
 - a. Tactical plan should include:
 - 1. Type of operation
 - 2. Background
 - 3. Objectives
 - 4. Location to be searched
 - 5. Suspect/Vehicles
 - 6. Time of search
 - 7. Personnel involved
 - a) Name
 - b) Vehicle
 - c) Hours

- d) Radio # and Call Sign
 - e) Cell #
 - f) Assignment
 - 8. Tactical Entry Plan
 - a) Key
 - b) Other Emergency entry equipment
 - 9. Actions if shots fired prior to entry
 - 10. Actions if shots are fired after entry or barricaded suspect.
 - 11. Actions if officer is down, either interior or exterior
 - 12. Actions if hostage situation
 - 13. UC information
 - 14. Arrest signals
 - 15. Special Problems
 - a) Violence potential
 - b) Weapons
 - c) Children
 - 16. Radiofrequency
 - 17. Equipment issued
 - 18. Scene assignments
 - 19. Hospital, Fire Department and Ambulance locations and telephone numbers
 - a) Landing zones
 - 20. Law Enforcement jurisdiction
 - a) Notified by
 - b) Person contacted
 - c) Watch Commander name and telephone number for tactical support
 - d) Venue agency emergency telephone number
- b. where circumstances are such that the inclusion of the venue agency in the tactical plan is not feasible, the venue agency should be notified in advance.
2. A briefing that includes:
- a) Attendance by all of the officers involved in the search warrant. In instances where patrol officers cannot attend because of other duties, they should be briefed in the field.
 - b) A review of the tactical plan.
 - c) The identification and description of the suspect(s), premises, and all of the officers involved in the warrant service.
3. Except where circumstances dictate otherwise, non-uniformed participants should wear distinctive clothing such as armbands, hats or raid jackets, which clearly identifies them as law enforcement personnel.

4. All weapons and ammunition must be approved and authorized by the respective Service or Venue Agency that employs the officer(s) using those weapons and ammunition.
 - a) Where circumstances are such that the inclusion of the pre-service steps outlined in 3.a.1 through 4 of this guideline are not feasible, the venue agency must be notified in advance.
 - b) The service of warrants which do not offer a high degree of potential danger will be handled on a case-by-case basis as the involved agencies agree.
 - c) Concurrence.
 1. Where possible, the officer in charge shall strive to obtain concurrence from the venue agency as to the manner and means by which a warrant will be served.
 2. In the event the venue agency does not concur with the tactics and/or the manner in which a warrant is to be served, the officer in charge shall provide a representative of the venue agency the opportunity to discuss his/her concerns with a superior officer from the service agency prior to the execution of the warrant.
4. Personnel and Resources:
 - a) The venue agency will normally provide, given adequate notice, one uniformed officer to assist in the service of a warrant. Personnel commitments beyond one officer must be arranged well in advance of the execution of the warrant.
 - b) Unless otherwise agreed, officers from the service agency shall be responsible for providing any equipment and/or other resources necessary to accomplish the warrant service.
5. Investigative Responsibility:
 - a) Unless otherwise agreed, officers from the service agency shall be responsible for the writing of any reports and/or the identification, collection and storing of evidence associated with the execution of the warrant.
 1. The service agency will include in its reports the names of all the personnel involved in the execution of the warrant.
 2. In instances where personnel from the venue agency have witnessed events essential to the prosecution of the case, they shall provide, upon request, a written report to the service agency.
 - b) Unless otherwise agreed, officers from the venue agency shall be responsible for criminal events which are unrelated to the service of the warrant and/or which occur during the service of the warrant. This shall include the writing of

reports of the incident and the collection of evidence pertaining to the new criminal event.

6. Hazardous Materials:

The venue agency shall, as provided for in Contra Costa County's Hazardous Material Incident Contingency Plan, be responsible for the disposal of any hazardous materials discovered in the service of a warrant.

7. Clandestine Laboratories:

- a) Where the service of a warrant directly relates to the investigation of clandestine laboratory, the collection of evidence shall, unless otherwise provided for, be the responsibility of the service agency. State BNE Lab Team and DEA resources may be used to facilitate the removal or collection of evidence.
- b) Any agency may, at their option, seek civil recovery as provided for in Section 11470.1 of the Uniform Controlled Substance Act.

8. Transportation of Prisoners:

- a) Unless otherwise agreed, the transportation of prisoners will be the responsibility of the service agency.
- b) Where the service agency is comprised of a multi-agency task force such as the Contra Costa County Narcotics Enforcement Team, the venue agency will provide, given prior notification and sufficient resources, for the transportation of prisoners.
- c) Where the venue agency accepts responsibility for the transportation of prisoners, the officer who effected the arrest should provide a completed booking sheet to the transporting officer.
- d) During transportation of prisoners, a properly equipped patrol unit, transportation van or bus will be the preferred means of transportation.

9. Booking/Housing of Prisoners:

- a) Unless otherwise agreed, the service agency shall be responsible for the booking and housing of prisoners.
- b) In instances where the venue agency agrees to book and house the arrestee(s), it shall be the responsibility of the arresting officer to convey any special and/or procedural instructions to the transporting officer. Once received, the transporting officer should make a reasonable effort to

ensure that the requests of the arresting officer, where proper, are complied with.

- c) When the service agency is comprised of a multi-agency task force such as the Contra Costa County Narcotics Team, the venue agency will provide, given prior notification and sufficient resources, for the booking and housing of the prisoners.

10. Press Releases:

All press releases that directly relate to the service of the warrant-will be handled by the service agency. Exceptions will be handled on a case-by-case basis as the involved agencies agree.

DISCLAIMER

The intent of this guideline is to provide for the effective service of search and arrest warrants. It is recognized, however, that on occasion circumstances may arise where the public's interest and/or welfare may necessitate that the guideline not be followed. An exception to these provisions shall be resolved by the involved agencies on a case-by case basis.