

GENERAL ORDER

DGO 5.16

Rev. 06/18/97

Eff. 07/15/97

OBTAINING SEARCH WARRANTS

The purpose of this order is to describe the procedures for obtaining non-telephonic search warrants by members.

I. POLICY

- A. Under the Fourth Amendment of the United States Constitution, the only legal means of obtaining evidence, excluding specific exceptions, is by search warrant. Search warrants are the most reliable means of preserving the admissibility in court of evidence seized during a criminal investigation. The San Francisco Police Department requires its members to conform themselves to the law in all aspects of their duties and particularly in obtaining evidence by means of searches and seizures.
- B. Absent a clear exception to the requirement for a warrant, searches shall be conducted under the authority of a duly issued search warrant. Where doubt is present about whether an exception to the requirement of a warrant exists, members should secure the person, place or thing to be searched and seek a search warrant.

II. PROCEDURES FOR OBTAINING SEARCH WARRANTS

- A. Members seeking search warrants may, and are encouraged to, draft their own affidavits and applications.
- B. All applications for search warrants shall be reviewed and approved by a supervisor.
- C. Search warrant applications initiated by members of the Bureau of Inspectors shall be done in accord with Bureau policy and through the appropriate prosecution section of the Office of the District Attorney.
- D. After supervisory review, all search warrant applications made by members outside the Bureau of Inspectors shall be submitted to:
 - 1. The Officer-in-Charge of the appropriate investigative section during normal business hours; or,
 - 2. The Officer-in-Charge of Night Investigations outside business hours; or,

DGO 5.16
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3. The assigned Inspector, if the search is in furtherance of a case previously assigned to a member of the Bureau of Inspectors, or if that Inspector is unavailable, the on-call members of the investigative section or the Officer-in-charge of that section if there is no on-call crew.
- E. After review and approval by the appropriate Investigative Section member, the search warrant application shall be submitted to the Office of the District Attorney through:
1. The prosecution section appropriate to the crime under investigation during business hours; or,
 2. The on-call Deputy District Attorney for search warrants during all other times by contacting that person through the Operations Center.
- F. Fax transmittal of search warrant applications to each level of review, including review and issuance by a judge, is the preferred method.
- G. Upon obtaining a search warrant, the affiant-officer shall be personally responsible for:
1. Registration of the search warrant with the clerk of the court on the next court business day after service, but never more than ten days (excluding weekends and holidays) after issuance of the search warrant. Only unusual circumstances would justify delay in registration;
 2. Delivery of certified copies of the affidavit and application to the assigned Inspector and the appropriate section of the District Attorney's Office by the next business day;
 3. Delivery of the return and inventory of the warrant to the issuing magistrate on the next court business day after service and to the assigned Inspector and D.A. prosecution section on the next business day after service.
- H. The affiant-officer is personally responsible for the proper booking into the Property Control Section, or deposit at the Narcotics drop, of all evidence seized under the authority of a search warrant.

III. OUTSIDE AGENCY ASSISTANCE

Members contacted by outside law enforcement agencies to assist in the preparation and service of a search warrant for service in San Francisco shall comply with the provisions of this order.
