

**CALIFORNIA HIGHWAY PATROL**

**GENERAL ORDER 100.84**

**REVISED NOVEMBER 2025**

**SERVICE OF SEARCH AND ARREST WARRANTS INVOLVING ENTRY INTO  
RESIDENCES, BUSINESSES, AND OTHER STRUCTURES (WARRANT  
SERVICE PROGRAM)**

1. GENERAL.

a. As one of the largest law enforcement agencies in the state, the California Highway Patrol (CHP) conducts criminal investigations as an integral part of its mission. Such investigative efforts often result in the issuance of search and/or arrest warrants, and the service of these warrants can involve the need to enter residences, businesses, and other structures. In addition, departmental members can be requested to assist allied agencies with the service of warrants.

b. Participation in warrant service poses unique hazards to peace officers especially when entering structures. Those hazards can only be mitigated with proper training, tactics, supervision, and equipment. Accordingly, CHP involvement in such activities must be undertaken only in limited circumstances and only in a manner that is designed to ensure the safety of involved personnel to the greatest extent possible. The apprehension of a subject, the search of premises or property, and the seizure of evidence are never a justification to compromise officer safety.

2. PURPOSE. The purpose of this General Order (GO) is to provide guidance regarding the service of search and arrest warrants involving entry into structures, and to establish strict policy and procedures governing how such warrant service will be undertaken.

3. OBJECTIVE. The objectives of this GO are to ensure the greatest possible degree of officer safety, minimize the Department's exposure to liability, and ensure the most effective use of departmental resources.

#### 4. POLICY.

a. It is the policy of this Department that service of search and arrest warrants requiring entry into a structure be accomplished at the discretion of each field Division commander based on an assessment of operational needs. Area commanders or designees, with Division commander or designee approval, may authorize service of search and arrest warrants obtained as a result of investigations conducted by CHP Area personnel. Each field Division must designate a Warrant Service Program (WSP) coordinator. Each field Division shall also maintain a minimum of two dedicated Warrant Service Teams (WST) assigned to support the WSP. Each WST shall be comprised of one sergeant and eight officers. However, each WST operation must consist of at least one sergeant and as many officers deemed necessary by the Division commander to maintain the operational capability to **safely** conduct warrant services. The primary focus of the WST will be on the service of felony warrants issued as a result of investigations conducted by CHP personnel. The WST shall also function as a resource to Area commanders when Area commands cannot serve warrants due to high risk factors, lack of personnel, or other logistical concerns.

b. Prior to service of a search or arrest warrant by Area personnel, criteria outlined in paragraph 6.d.(2) of this GO must be assessed. If any of the critical risk assessment criteria exists, the Division WST shall be utilized. When it has been determined that the risk assessment necessitates the use of a WST, field Division commanders, who elect to engage in such warrant service activities, shall do so in accordance with this GO. Personnel who are not members of WST may engage in preoperation planning and perimeter control responsibilities to assist Divisions when authorized through the Division WSP coordinator. Field Division WSP coordinators, with Division commander approval, shall have the discretion to train Area personnel to perform these functions. In extreme circumstances, as outlined in paragraph 6.d.(3) of this GO, warrant service activity shall be referred to a Special Weapons and Tactics (SWAT) team.

c. All warrant service operations involving actual or likely entry into any type of structure shall be conducted in a manner consistent with policy and procedures as outlined in this GO.

d. All personnel engaged in warrant service activities shall comply with uniform requirements outlined in Highway Patrol Manual (HPM) 73.5, Uniform/Grooming and Equipment Standards. The required uniform for warrant service operations, including training, should be the departmentally approved utility uniform. The work uniform may be worn as an alternate uniform when the utility uniform is not practical. A call out vest or external plate carrier with proper display of identification of law enforcement may also be worn. Every warrant service

operation shall have at least one officer in either a basic tan or blue utility uniform to provide visible evidence of authority. An officer who is not a member of the WST may be utilized to meet this requirement. Personnel performing perimeter duty must wear clothing clearly identifying them as a peace officer. Wearing of plain clothes attire by anyone performing building entry should be avoided unless there is an exigent circumstance or operational need that would necessitate it.

5. RESPONSIBILITIES—PROGRAM ADMINISTRATION.

a. Enforcement and Planning Division. Under the direction of the Assistant Commissioner, Staff, Enforcement and Planning Division (EPD) provides recommendations and advice to members of Executive Management regarding the management and administration of the WSP. Enforcement and Planning Division participates in the decision-making process, with input from Top Management and field Divisions, regarding technical and operational issues, personnel assignments, and equipment procurement. Further, EPD develops policies, procedures, and program objectives with regard to program responsibilities.

b. Protective Services Division. Under the direction of the Assistant Commissioner, Field (ACF), Protective Services Division (PSD) will coordinate annual recertification of all WSP personnel. Protective Services Division personnel (SWAT) will participate in the Steering Committee and Warrant Service Program Training Cadre, and will implement or modify training as recommended by the WSP Training Cadre once approved by ACF.

c. Steering Committee. Under the direction of the EPD Chief, the Steering Committee will meet annually to review current laws, policies, Peace Officer Standards and Training regulations, and current events, and will provide guidance to the WSP Training Cadre. The Steering Committee should consist of personnel from the following: PSD designee (e.g., Capitol Protection SWAT), Academy Tactical Training Program, FSS commander or designee, Employee Health and Wellness Section, Risk Management Unit, and one Assistant Chief from all field Divisions or their designee.

d. Warrant Service Program Training Cadre. Under the direction of the Steering Committee, the WSP Training Cadre will be established to evaluate current training curriculum, training standards, and equipment. The WSP Training Cadre will ensure all training is standardized among all WST, including training in operational planning and liability review, along with best tactical practices. The WSP Training Cadre should consist of the following: Capitol Protection SWAT, Academy Advanced Officer Safety Training, and a representative from each field Division's Warrant Service or Investigative Services Units.

e. Field Support Section. Under the direction of EPD, Field Support Section (FSS) is the Office of Primary Interest (OPI) for the WSP. Field Support Section advises EPD on all matters related to the WSP. Furthermore, FSS provides advice and assistance to Division WSP coordinators regarding the management and administration of the program. Field Support Section personnel will coordinate initial training and advise on continuing training for program personnel, and will procure all required WST equipment items. Any inquiries concerning policies, procedures, or programs relating to the WSP should be directed to FSS. The FSS WSP coordinator shall be responsible for assigning warrant service case numbers and tracking reports. The reports submitted to FSS shall be used to enhance training methods, evaluate equipment requests, and prepare the OPI WSP budget. The FSS WSP coordinator shall obtain an updated Division team roster, as well as training schedules for the calendar year, no later than January 31st of each year.

f. Field Divisions.

(1) Division Chiefs. Field Division Chiefs exercise overall operational control of WSP personnel assigned to their Divisions. It is the responsibility of the Division Chief to ensure the Division WSP is managed in compliance with departmental policies and state law. Division Chiefs may consult and coordinate with FSS in the decision-making process regarding operational issues, personnel assignments, and equipment procurement.

Issues requiring policy changes or matters involving training and equipment which cannot be resolved by direct coordination between field Divisions and FSS shall be referred to the ACF for direction. Division commanders shall ensure records of all warrant service operations and warrant service training occurring within their respective Divisions are maintained for the current year plus three years. Additionally, Division commanders shall ensure all warrant service training is documented in the Employee Training Record System by respective Division or Area coordinators.

(2) A copy of the completed CHP 413, Warrant Service Report, and CHP 413A, Warrant Service Pre-Operation Check List, shall be forwarded to FSS within 30 calendar days of the warrant being served. (All required forms can be located on the CHP Intranet site.)

(3) Division Warrant Service Program Coordinators. Warrant Service Program coordinators, under the direction of the Division commander or designee, shall ensure the effective management of their respective Division WSP. The Division WSP coordinator provides direct supervision to subordinate warrant service supervisors and shall be responsible for providing FSS with all WSP-related reports and training records.

(4) Warrant Service Team Sergeants. Warrant Service Team sergeants are directly accountable to the Division WSP coordinator for the first-line supervision of the WST and its activities. The WST sergeants are responsible for ensuring evaluation reports are submitted on a timely basis to the WSP coordinator. Furthermore, the WST sergeants are responsible for conducting quarterly training and scheduling In-Service Warrant Service Training for all team members.

(5) Warrant Service Team Members. Warrant Service Team members are accountable to the WST sergeants for performing assigned warrant service duties, attending mandated quarterly and recertification training, and maintaining warrant service equipment.

(6) Area Commander/Designee. It is the responsibility of the Area commander or designee to assess risk criteria prior to deployment. If any of the critical risk assessment criteria listed in paragraph 6.d.(2) of this GO are present, the Division WST shall be utilized for warrant service. Area commanders are to ensure all personnel involved in warrant service activity receive departmentally approved warrant service training and that all Area personnel receive training in perimeter control responsibilities. Additionally, Area commanders shall provide their respective Division with all warrant service documentation.

## 6. PROCEDURES.

### a. Reporting Procedures.

(1) Warrant Service Team Supervisor. All warrant service activity shall require a case number which will be obtained through FSS. When it is determined a warrant will be served, it is the responsibility of the WST supervisor to contact the WSP coordinator in FSS to obtain a warrant service case number and ensure the case number is indicated on all documentation, prior to forwarding to FSS. The case number will consist of three parts. The first part of the number is the capital letter "W" followed by the report number assigned. Numbers are assigned in numerical sequence starting with 0001 each calendar year. The second part is the location code of the command where the case file will be maintained. The third part is the last two numerals of the current year (e.g., W-0001-065-18).

(2) Warrant Service Program Coordinators/Commanders. The WSP coordinators/commanders shall ensure a CHP 413 and CHP 413A are completed following the warrant service operation. The Warrant Service Report narrative shall include a summary, analysis, and critique. Warrant Service Program coordinators shall review all warrant service-related reports to

determine compliance with departmental policy. Upon completion of the authorized warrant service, the completed CHP 413 and CHP 413A shall be submitted to the FSS WSP coordinator within 30 days following the date of the warrant service operation.

b. Training Procedures. All training exercises will be consistent with the WSP Training Cadre's approved training curriculum (e.g., initial, quarterly, and recertification training). These exercises are intended to develop a team member's confidence, coordination, control, and reflexes.

c. The FSS WSP coordinator will assist the WSP Training Cadre monitor and evaluate the quarterly training program to ensure it meets standardized methods and procedures. Field Support Section will also assist the WSP Training Cadre in providing training to supervisory/managerial staff through Division Area commanders' conferences and supervisors' caucuses.

(1) Initial Training—Warrant Service Teams. All team members shall attend and successfully complete mandatory training prior to team assignment and mission deployment. Training will be coordinated through FSS. The evaluation will be conducted by the WSP Training Cadre. The cadre will conduct, monitor, and evaluate the initial training to ensure it meets standardized methods and procedures. Proficiency must be demonstrated during initial training before certification as a team member is granted. Current and former SWAT team members may be assigned to the WST so long as they meet the quarterly WST training requirements and demonstrate proficiency to the Division WSP coordinator.

(2) Training—Warrant Service Teams. Division WSP coordinators shall ensure Warrant Service Quarterly Training programs are conducted. A minimum of one 8-hour day per quarter shall be utilized to provide training. The objective of the quarterly training is to minimize the risks to departmental personnel by maintaining and strengthening the WST member's skill level attained during initial warrant service training.

Warrant Service Team sergeants and team leaders will participate and conduct the quarterly training. A CHP 413C, Warrant Service Training Evaluation Report, will be prepared for each officer and sergeant assigned to attend training. Any member deemed to be deficient will be removed from warrant service duties until proficiency is clearly demonstrated. The CHP 413C shall be retained at the respective Division for the current year plus three years.

In order to ensure consistency throughout the WSP, the WSP Training Cadre has developed and mandated standardized quarterly training. This list is not all inclusive and is intended as a guide to standardize the quarterly training.

After the completion of the mandated training, each WST will have the flexibility to conduct the training needed to develop the teams. The following is a list of quarterly training:

- (a) First quarter training will include four hours to review GO 100.84, search and seizure laws, and a tactical debriefing of the entries made during the previous year.
- (b) Second quarter training will include up to four hours to comprehensively review basic individual, two-person, and team movements as outlined on the CHP 413C. It is recommended that the training begin with individual movements, and then transition to two-person, four-person, and eight-person team movements.
- (c) Third quarter training will include up to four hours of live fire drills as outlined on the CHP 413C. All firearms training will be in compliance with HPM 70.8, Firearms Manual. Prior to live fire drills, supervisors/team leaders shall inspect weapons, equipment, and uniforms used by the WST for policy compliance.

All firearms training shall include individual and team scenarios (taking into account muzzle awareness and cross-fire situations). If shotguns, including the 12-gauge shotgun with kinetic energy munitions, and rifles are utilized by the WST, they shall be included in the live fire drills.

- (d) Fourth quarter training will include up to four hours of scenario-based training. If simunitions are used for this training it must be in compliance with HPM 70.8, Chapter 12, Non-Lethal Training Ammunition.

(3) Recertification Training—Warrant Service Teams. All team members shall attend recertification training every year which will replace a quarterly training requirement mentioned above. The WSP Training Cadre will monitor and evaluate the recertification training to ensure it meets standardized methods and procedures. All training exercises will be consistent with the training curriculum approved by the WSP Training Cadre. Proficiency must be demonstrated during recertification training before individual team members are allowed to continue with their respective team. Field Support Section shall report the names of any WST members who have not attended recertification training within the previous year to ACF.

Individual team members who do not meet minimum requirements will be unable to participate at an operational level. Individual team members who continually fail to meet the minimum requirements will be permanently removed from the team.

(4) Training Reporting Procedures—Warrant Service Teams. Each WST supervisor will provide a list of all training days and team members assigned to the Division WST who attended the training (as well as those who did not participate) and the reason why via e-mail to the FSS WSP coordinator. Team members shall participate in a minimum of two quarterly training sessions within a 12-month period. Team members who do not participate in two quarterly training sessions within a 12-month period will be removed from warrant service duties. Once removed from warrant service duties, the individual will be required to make up and successfully complete the required quarterly training sessions. Upon completion of the required training sessions, team member status may be reinstated.

d. Warrant Service Operations/Mechanics. All warrant service operations will consist of the following stages: preplanning, briefing, execution of operation, and debriefing. There are always risks involved with conducting building entries to serve a warrant. All reasonable alternatives should be considered before committing to a warrant service operation that requires forced/dynamic entry (e.g., waiting until the subject(s) leaves the building or conducting a high-risk vehicle stop).

(1) Preplanning Procedure. Operational preplanning for WST entries is required and is the single most important element in conducting a successful warrant service operation. The pre-operation plan shall include, but not be limited to, the following: suspect profiles, site surveys, threat assessments, deconfliction, and intelligence. The CHP 413B, Warrant Service Operational Plan, shall be completed as part of the preplanning stage. Gathering additional information not collected by utilizing the CHP 413B should always be considered. A key element of the preplanning stage is reconnaissance to identify routes of approach, entry points, location of all doors and windows, any obstructions or hazards, and the presence of other subjects, fences, dogs, or children. A member of the team should conduct a location “drive by” unless the location and subject(s) are well known to involved officers. All information collected should be documented and disseminated during the briefing.

Whenever possible, each warrant service operation should have a cover team, preferably in plain clothes, and on scene prior to the WST arrival to surveil the location. This will identify any potential last-minute complications such as the last-minute arrival of additional targets, gang members, or associates.

(2) Critical Risk Assessment Criteria. Although risk/threat assessment is a component of preplanning, it must be ongoing through the execution of the warrant. Risk assessment necessarily guides the tactics to be used in the execution of a warrant. More importantly, risk assessment can result in the

identification of situations/conditions requiring the use of tactics beyond the capability of WST.

Accordingly, if at any time prior to a warrant service operation the WST supervisor or team members reach a reasonable suspicion that any of the following conditions/situations exist or are developing, the service of the warrant should be considered high-risk and careful consideration given prior to execution:

- (a) The search location is believed to be fortified.
- (b) Multiple gang members are known to be present.
- (c) Assault rifles are believed to be present and a potential for use exists.
- (d) The subject(s) are known to be violent, particularly towards law enforcement.

(3) In the event that any of the following conditions exist, the warrant service shall not be initiated, and these incidents shall be referred to a SWAT team:

- (a) Chemical hazard threat.
- (b) Suicidal individual(s).
- (c) Hostage situation.
- (d) Barricaded and armed subject(s).
- (e) Known presence of explosive(s).
- (f) Presence of sniper(s).
- (g) Attempt to ambush.
- (h) Paramilitary extremist groups (organized crime/terrorist).

(4) Briefing. Briefing should be conducted at an Area office within close proximity to the assignment. In the event an Area office is unavailable or not within a reasonable distance to the warrant service location, an alternate briefing location may be selected. When selecting an alternate briefing location, consideration should be given to proximity and exposure to the target location.

All officers who will participate in the operation **shall attend the briefing**. One person shall be designated as the team leader. The briefing should be

structured so all questions and concerns are addressed prior to deploying for the operation. During the pre-operation briefing, the team leader shall review and remind the team of applicable use of force policy sections from HPM 70.6, Officer Safety Manual, Chapter 1, Use of Force.

Contingency plans shall also be briefed and discussed during this time. All information obtained in the preplanning stages shall be disseminated at the briefing including, but not limited to, the following:

- (a) Complete identification of suspect(s), including purpose of warrants.
- (b) Current photographs, if available.
- (c) Videotapes, if available.
- (d) Map(s).
- (e) The specific address of the suspect's location.
- (f) Suspect's location floor plan(s).
- (g) Other occupants on the premises.

(5) Individual Warrant Service Team Tasks and Responsibilities. Individual WST member tasks and responsibilities shall be assigned, and equipment should be assessed during briefing. It is imperative that officers fully understand their assignment and be aware of everyone else's. The objectives of the arrest warrant or search warrant should be clearly identified during both the preplanning stage and the briefing stage.

(6) Notification. Notification of the operation shall be relayed to the police agency or sheriff's department having jurisdiction over the area. The team leader is responsible for notifying the on-duty CHP communications supervisor and the on-duty CHP Area supervisor of the warrant service operation. Both supervisors shall be advised of the date, time, and location of the operation.

(7) Required Safety Equipment. All WST members shall be required to utilize the following departmentally issued equipment during all felony and/or forcible entry warrant service operations, and all warrant service training:

- (a) Kevlar helmet.
- (b) Eye protection (goggles).
- (c) Body armor.

- (d) Departmentally issued **primary** firearm.
- (e) Ammunition and case.
- (f) Duty belt and holster (nylon equipment).
- (g) Radio and carrier.
- (h) Rapid Containment Baton (RCB), side handle baton, or the approved Armament Systems and Procedures baton. Uniformed employees trained and certified in RCB techniques by departmental Officer Safety Training instructors shall carry and use the RCB in accordance with their departmental training. Once they have been trained and certified, the RCB is the only authorized impact weapon for on-duty use by uniformed employees. The only exceptions are alternate impact weapons utilized by specifically trained Special Response Team personnel.
- (i) Handcuffs and case.
- (j) Flashlight.
- (k) Load bearing equipment carrier or external plate carrier with ballistic plates.

NOTE: It is encouraged that officers wear lace-up, high top, black boots when engaged in warrant service activity. This type of boot will provide needed ankle and lower leg support, in addition to uniformity, when the utility uniform is worn by WST members.

(8) Additional Warrant Service Team Individual Equipment. Additional equipment will be supplied upon request by FSS during Initial Warrant Service Training and will include the following:

- (a) Gloves.
- (b) Knee protection.
- (c) Groin protection.
- (d) Elbow protection.

(9) Additional Authorized Warrant Service Team Equipment. If available, team-authorized equipment shall be assigned to the WST supervisor for deployment as necessary.

- (a) Tactical rifle.

- (b) Shotgun (short barrel).
- (c) Electronic control device.
- (d) Twelve-gauge shotgun with kinetic energy munitions.
- (e) Emergency Medical Technician kits.
- (f) Gas masks.
- (g) Full shin protection.
- (h) Mirrors.
- (i) Flex cuffs.
- (j) Video camera.
- (k) Digital camera.
- (l) Camera (35 millimeter).
- (m) Binoculars.
- (n) Dog dazer (audio deterrent device).
- (o) Pry bars.
- (p) Bolt cutters.
- (q) Breaching tools.
- (r) Ballistic shield. (Ballistic shields should be replaced according to manufacturer's recommendations.)
- (s) Telescoping Pole Camera.
- (t) Small Unmanned Aircraft Systems. Refer to HPM 100.10, Small Unmanned Aircraft Systems Manual, for authorized missions and procurement.

(10) The purchase or use of any additional equipment **shall** require prior approval, through channels, from the appropriate Assistant Commissioner. The approved request(s) will be forwarded to the FSS WSP coordinator for processing and issuance of equipment to Division WST supervisors. The WST supervisors shall maintain a current inventory of all WST equipment. Any

damaged or lost equipment shall be immediately reported by memorandum through channels to FSS to ensure expeditious replacement. Any unauthorized equipment usage shall be prohibited.

(11) Vehicles. At least one CHP-marked black and white patrol car shall be utilized while engaging in all warrant service operations. Any CHP- marked black and white patrol vehicles utilized in warrant service operations should have the Code 3 lights activated.

(12) Field Staging Area. All operations should have a field staging area within close proximity to the warrant site. The staging area is used primarily to ensure all team members are accounted for, fully equipped, and prepared to deploy. Additionally, while at the staging area, information which may have been overlooked during the initial briefing can be disseminated.

(13) Execution of Operation. The WST supervisor shall make the final determination on whether to conduct the operation or defer it to an allied agency. Each operation may vary depending on extenuating circumstances. Effective fundamental training techniques will ensure variances in the execution of an operation are accomplished with the highest regard to officer safety. The necessity for diligent planning and the importance of officer safety should be emphasized above all else. This phase can be broken down into several categories that include the approach to the location, the actual entry, clearing procedures, and withdrawal.

(14) Debriefing. After every operation, the team shall conduct a debriefing session as soon as practical to establish a forum for self-evaluation, which shall be documented on the CHP 413. All safety-related issues identified during warrant service operations shall be discussed during the debriefing. All operational plans shall be accounted for and gathered during the debriefing because of the confidentiality of the operation and to protect further operations.

## 7. ALLIED AGENCY REQUESTS.

a. When allied agencies request CHP assistance in warrant service entry activities, Division WST personnel may provide entry assistance at the discretion of the Division commander. However, combining CHP WSTs with allied agency teams is discouraged. This is due, in part, to different training structures, entry tactics, and strategies. It is strongly suggested that only teams that train together be utilized for entry situations.

b. When allied agencies request CHP assistance from local Area commands, Area commanders may only provide assistance in the form of outside traffic

perimeter containment responsibilities. An Area officer shall not be authorized to engage in any other actual warrant service activities involving entry into structures.

8. LEGAL CONSIDERATIONS. The law relating to warrant service focuses on protecting the public's right to privacy under the United States (U.S.) and California Constitutions. These statutes and associated case law are designed to protect the sanctity of the home and to avoid surprise confrontations between law enforcement and the public.

c. Knock and Notice. Sections 844 and 1531 of the California Penal Code (PC) (Knock and Notice requirements) generally state, "The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance." Knock and Notice generally consists of the following elements:

- (1) Knock and give notice of presence.
- (2) Identify as peace officers.
- (3) Explain purpose (e.g., "We have a search/arrest warrant.").
- (4) Demand entry and wait a reasonable amount of time.
  - (a) There must be an explicit refusal or lapse of a significant amount of time before officers may force entry.
  - (b) An unreasonable delay in responding to an officer's request for entry constitutes refused admittance.
  - (c) What constitutes an unreasonable delay depends on the facts of each case.
  - (d) In most jurisdictions, a 30-second delay has been treated as sufficient to meet the Knock and Notice requirement.
- (5) The Knock and Notice procedures shall be utilized unless exigent circumstances exist.

b. Exigent Circumstances. The courts have held that Knock and Notice is not necessary where exigent circumstances exist. There must be a specific threat which can be articulated before Section 1531 PC may be waived. General concerns involving officer safety are not sufficient.

Also, exigent circumstances which are created by the officers themselves are not grounds for waiving Knock and Notice requirements. An exigent circumstance is defined as an emergency situation requiring swift action to prevent the following:

- (1) Serious injury or loss of life (officers and/or the public).
- (2) Serious damage to property.
- (3) Destruction of evidence or property.
- (4) Escape of the suspect(s).

c. Forcible Entry. Barring exigent circumstances, forcible entry is legal in the service of search warrants only after admittance has been refused. The legal requirements for forcible entry in the service of arrest warrants are less stringent. However, a consistent method of operation will reduce confusion; therefore, forcible entry is only authorized when admittance has been refused or exigent circumstances exist even in the service of arrest warrants. Refusal of admittance can be demonstrated in the following ways:

- (1) No response after a reasonable length of time, especially if it is evident there are people inside the house.
- (2) Verbal refusal.
- (3) Overt acts by the suspect(s) such as flight, reaching for weapons, etc.

NOTE: In cases involving an unoccupied house, forcible entry is allowed only in the service of search warrants and shall only be conducted with the permission of the team leader. Arrest warrants require the belief that the suspect is inside before forcible entry is allowed.

d. Consent Searches. In the service of search warrants, consent may be obtained from the occupants of the dwelling. Consent must be obtained voluntarily and documented in accordance with GO 100.91, Search and Seizure Policy, from a person with authority to render such consent. Consent to search shall not be used in lieu of obtaining a warrant. Consent should normally be requested prior to displaying the warrant as the warrant itself may be ruled a form of coercion.

NOTE: For more information regarding search and seizure policy, refer to GO 100.91.

e. Multiple Structures. If more than a single structure exists on the premises to be searched, the Knock and Notice procedures shall be followed for each structure unless exigent circumstances exist.

f. Public Buildings. Knock and Notice does not apply to those portions of stores, businesses, and other premises that are open to the public. Private areas, back rooms, offices, etc., require compliance with Section 1531 PC.

g. Due Diligence. The concept of due diligence applies when an arrest warrant has been issued for a suspect. The agency holding the warrant must make every reasonable effort to ensure the warrant is served in a timely manner. This is required in order to maintain the suspect's rights to due process and a speedy trial. Failure to serve the warrant in a timely manner may result in a showing by the defense of real prejudice in the case. This could result in the charges being dismissed on the basis of a violation of the suspect's rights under both the state and U.S. Constitutions.

h. Timely Search Warrant Service. Section 1534 PC requires that a search warrant be served, and the return of service provided to the court within ten days. If a warrant is not served within ten days of issuance, it is no longer valid.

OFFICE OF THE COMMISSIONER

OPI: 065