

**PINELLAS COUNTY SHERIFF'S OFFICE**

LEADING THE WAY FOR A SAFER PINELLAS

SEARCH WARRANTS & SUBPOENAS		
	EFFECTIVE:	<del>08-12-14</del> 9/1/20
	AMENDS:	07-25-12
	RESCINDS:	
	FIRST POLICY:	10-15-99
	LAST REVIEWED:	10-29-19
	AUTHORITY OF:	BOB GUALTIERI, Sheriff 
ACCREDITATION STANDARDS:	CALEA 74.3 1	

**General  
Order  
16-04**

**PURPOSE:**

The purpose of this General Order is to define the guidelines for the planning, approval, execution and return of search warrants. It is also the purpose of the policy to set guidelines for the request, service and documentation of investigative subpoenas.

**DISCUSSION:**

All requests for search warrants must conform to F.S. § Chapter 933 and Florida Legal Guidelines. Any sworn member of the Sheriff's Office may make an application for a search warrant following the procedures listed in this General Order. Search warrants can be a valuable investigative tool and should not be taken lightly. The Pinellas County Sheriff's Office, in conjunction with the Pinellas / Pasco State Attorney's Office, will ensure issued search warrants shall be based upon probable cause and shall not intentionally violate any person's constitutional rights to freedom from unlawful searches and / or seizures.

Any sworn member of the Sheriff's Office may make a request for a subpoena. All requests for investigative subpoenas must be made in conjunction with an active, documented investigation and through the State Attorney's Office.



**DEFINITIONS:**

- A. Affiant - The person or persons attesting to the probable cause or their factual information contained in the search warrant.
- B. Affidavit - A sworn written document attesting to the probable cause usually made by a police officer but, may be attested to by a citizen or informant. The affidavit will outline the factual justification for why a judge should consent to an arrest or search warrant.
- C. Anticipatory Warrant - A search warrant granting law enforcement a warrant that becomes valid after some future triggering condition occurs. Courts reserve these types of warrants for situations in which police have probable cause that at some future time evidence in a particular location will become available.
- D. Co-affiant - Any secondary persons attesting to their specific probable cause or their factual information contained in an arrest or search warrant.
- E. Inventory - A list of items seized as the result of the search.
- F. Legal - The geographical description of a real estate property for the unambiguous location of boundaries and placement in a community. It can also be used to describe an item as in a conveyance or persons to be searched.
- G. Pedigree - A detailed listing of the affiant's experiences, training and certifications, relevant to or showing expertise in the probable cause or statements of fact they are attesting to.

- H. Return - The courts require the return of the search warrant after service or non-service. The return will include: an attestation to date and time of service, who was served, who received a true copy of the search warrant, an inventory and an oath. The return / inventory copy acts as a receipt of items seized to the person being served.
- I. Search Warrant - A written order by a judge which authorizes a law enforcement officer to search a specific location or item.

**PROCEDURES:**

**16-04.1 Drafting a Search Warrant**

- A. Any sworn deputy of the Sheriff's Office may make application for the issuance of a search warrant based upon probable cause.
- B. Deputies wishing to obtain a search warrant shall confer with a supervisor in the Investigative Operations Bureau (IOB). The IOB supervisor shall ensure proper procedures are followed and all required information necessary to draft the warrant is obtained prior to contacting the State Attorney's Office.
- C. The deputy / case agent shall be responsible for properly drafting and preparing the search warrant. This search warrant will then be reviewed by an Assistant State Attorney. The search warrant will be drafted in the format established by the Sixth Judicial Circuit.
- D. A search warrant must specify the exact place, vehicle, item, or person to be searched. A detailed legal description of a property exterior, vehicle, item or person is required and must be included in the affidavit prior to the issuance of a search warrant.
- E. The affidavit shall contain probable cause to obtain the search warrant and a pedigree of the affiant's experience as a law enforcement officer.

**16-04.2 Approval of the Warrant**

- A. Once the draft of the affidavit and the search warrant has been reviewed by a supervisor in the Investigative Operations Bureau (IOB) the on-call Assistant State Attorney shall be contacted at the Pinellas / Pasco State Attorney's Office.
- B. Once the warrant's format and language have been approved by the Assistant State Attorney, the attorney shall contact a judge who will review the warrant prior to approval. Three copies of the search warrant will be made by the affiant and signed by the judge.

**16-04.3 Execution of the Search Warrant**

- A. Once the judge issues the search warrant, a deputy must execute the warrant within 10 calendar days of its issuance. Execution of a search warrant shall conform to F.S. § Chapter 933 and Florida Legal Guidelines.
- B. The affiant / case agent shall arrange with their supervisor for any additional assistance and equipment that may be necessary to properly execute the search warrant.
- C. The preservation of life and the mitigation of harm to members, occupants of the location where the warrant is to be served and the public in general are the paramount considerations when deciding how to serve a search warrant. The need to collect evidence of a crime must be balanced against the risk of harm to members and the occupants of the location to be searched.
- D. All search warrants shall be served in the manner most conducive to preservation of life and harm mitigation and members shall use due diligence to this effect.
- E. Dynamic entry search warrants inherently pose risk of harm to members serving the warrant and the occupants of the place to be searched. To ensure the safety of all involved in serving a search warrant,

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members shall not serve a search warrant using the dynamic entry technique without the express approval of a Division Commander or higher authority.

1. Division commanders or higher authority may only authorize dynamic entries when the risk of harm by conducting the dynamic entry has been weighed against other possible methods of serving the search warrant and the dynamic entry is deemed to be the safest and best method under the circumstances.

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F. Before serving any search warrant members shall make every reasonable effort to determine the persons occupying the location where the warrant is to be served and whether they are involved in the criminal activity under investigation. Members must also make every reasonable effort to determine whether children, elderly, or special needs people are inside the location. The effort to make these determinations shall include physical surveillance of the location to be searched as well as obtaining information from witnesses or others with knowledge.

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1. When members determine that a "soft entry" search warrant is inappropriate, and an occupied location dynamic entry is not authorized, every reasonable effort shall be made to arrest or detain individuals who live at or occupy the location where the warrant is to be executed away from the premises.

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2. Arresting or detaining people away from the location to be searched is safer for members and the subjects. Once these people are arrested or detained every reasonable effort shall be made to determine whether anyone else is inside the target location.

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3. Time spent on surveillance waiting for people to leave the location to be searched is not a factor that justifies a dynamic entry, unless it is determined for other reasons that the dynamic entry is the safest and best method to serve the warrant given the facts and circumstances of the case.

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4. After conducting surveillance, etc., if it is reasonably certain that nobody is inside the location for which a member has obtained a search warrant then members may conduct a dynamic entry and properly clear the location. The goal is to serve the warrant when nobody is inside the location to be searched whenever reasonably possible.

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G. If necessary, the Special Weapons and Tactics (SWAT) Team may be needed to assist in serving the warrant. The affiant / case agent shall contact their supervisor to obtain approval from the COC for SWAT to serve the search warrant. (As opposed to a patrol SWAT callout). The authorized supervisor will contact the SWAT Team commander / coordinator before any use of the SWAT Team is authorized.

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#### 16-04.4 After Action

A. Once a search warrant is executed, a return including an inventory of all instruments, articles, or items seized shall be completed. The return shall be signed under oath by the deputy executing the warrant or the detective assigned as the evidence custodian and witnessed.

B. A true copy of the search warrant, return and inventory will remain on the property, with the person or the item being searched.

C. The second true copy of the search warrant, affidavit, return and inventory will be attached to the Augmented Criminal Investigative Support System (ACISS) as a supporting document.

D. The original search warrant, affidavit, return and inventory shall be delivered within 10 calendar days of the search warrant being signed by the judge, to the clerk of the court having jurisdiction over the investigation.

E. The Affiant / Case Agent shall complete an incident / offense report or supplement report regarding the service of the search warrant. This report will include the date and time of service. Any assisting deputies shall complete supplement reports as determined by the affiant / case agent or their supervisor.

- F. Non Service - In the event a search warrant cannot be served, the Search Warrant and the Affidavit will be returned to the Clerk of the Court for non-service. An ACISS supplement will be completed documenting the reason for the non-service and the return of the documents to the Clerk of the Court. A true COPY of the search warrant and affidavit will be scanned and attached to an ACISS supplement report.

#### **16-04.5 Subpoenas**

- A. If a corporation, business, educational institution, government agency, individual, or any other entity requires a subpoena to release information, all Pinellas County Sheriff's Office (PCSO) members will comply with that entity's policy regarding the release of information. Members will not obtain any information contrary to the subpoena policy of any corporation, business, educational institution, government agency, individual, or any other entity.
- B. All subpoena requests will be made pursuant to an active documented investigation. PCSO members shall contact the State Attorney's Office (SAO) through established channels and request a subpoena be issued for the desired information. All subpoena requests shall be documented in an ACISS supplement report.
- C. If a subpoena is granted and a PCSO member is designated to serve the subpoena, that member shall ensure the subpoena is served on the entity or point of contact named in the subpoena. The date, time of receipt and the name of the person, who was served the subpoena, shall be documented in an ACISS supplement report.
- D. One copy of the subpoena will be scanned and attached to an ACISS supplement report. One copy of the subpoena will be retained in the case file.
- E. Every attempt will be made to serve the subpoena on the entity or point of contact named in the subpoena. If the subpoena cannot be served, it will be returned to the SAO. The inability to serve a subpoena and its subsequent return to the SAO will also be documented in an ACISS supplement report.