General Order

Houston Police Department

ISSUE DATE:	NO.
April 5, 2023	500-19

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 500-19, dated May 4, 2021

SUBJECT: WARRANT SERVICE PROCEDURES

POLICY

Officers shall professionally conduct all searches and seizures and comply with all constitutional and statutory provisions when obtaining, executing, and returning arrest or search warrants. Officers shall execute all warrants with due diligence and in compliance with the time limits required by the Texas Code of Criminal Procedure or other applicable law. Officers shall not serve civil warrants, including mental health warrants, unless specifically directed by a magistrate.

This General Order does not apply to warrantless entry as a consequence of exigent circumstances that would cause a reasonable person to believe that entry (or other relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts (e.g., officers have reason to believe an assault is occurring within or officers are in hot pursuit).

This General Order does not preclude officers from responding to calls for service where a suspect may have an arrest warrant or from arresting a wanted person discovered to have a warrant in the normal course of police business (e.g., during a traffic stop or after running a person's identification).

This General Order applies to classified employees only.

DEFINITIONS

Arrest Warrant. A written order from a magistrate commanding a peace officer to take the person accused of an offense to be dealt with according to law (e.g., "to-be" warrant, pocket warrant, capias, or parole revocation warrant).

Curtilage. The area immediately surrounding a dwelling or building that possesses legal protections by creating a separation between publicly accessible and private property, such as fencing or hedges.

Elevated-Risk Execution. The service of an arrest or search warrant under conditions in which the risk factors for resistance are sufficient to require service by officers with recurrent tactical training.

Forced Entry. As part of the warrant service process, a tactic for gaining access to a fixed structure by breaching or otherwise defeating latches or other devices used to secure the property from intruders (e.g., kicking or using a ram to open a door).

Forced Entry Training. Specialized training approved by the Training Division for felony warrant service planning and execution, including annual recurrent training.

High-Risk Execution. The service of an arrest or search warrant under conditions in which risk factors for resistance are sufficiently high to require service by SWAT.

Knock and Talk. As part of the pre-planned warrant service process, a consensual encounter with a person initiated by officers with the intention of gaining consent to conduct a warrantless search or learning information that will assist officers in locating a suspect.

Minimum-Risk Execution. Search warrants issued for the collection of evidence and other materials in the care, custody and control of persons who are expected to be cooperative or unresisting to the execution of the warrant (e.g., property under the control of law enforcement, storage units, packages or luggage, business records, or safe deposit boxes at banks), or on locations known to be unoccupied.

No-Knock Warrant. A search warrant authorizing peace officers to enter a property without first knocking and announcing their presence and purpose prior to entering. No-Knock entry does not apply to arrest warrants.

Normal-Risk Execution. The service of an arrest or search warrant under conditions in which the risk factors for resistance do not indicate a need for service by officers with recurrent tactical training.

Search Warrant. A written order, issued by a magistrate and directed to a peace officer, commanding the peace officer to search for any property or thing and to seize the same and bring it before such magistrate.

Takedown. The execution of an arrest warrant outside of a fixed structure, whether the wanted person is in a vehicle or on foot.

1 TRAINING GUIDELINES

Officers in assignments that regularly conduct elevated-risk and/or high-risk executions shall obtain forced entry training and receive recurrent training on at least an annual basis. Divisions with such assignments shall establish standard operating procedures (SOPs) regarding recurrent forced entry training unless the Patrol Operations SOPs apply. For task force officers (TFOs) working with host federal agencies, training provided by the host agency that includes forced entry tactics satisfies this requirement.

If forced entry is required when conducting an elevated-risk or high-risk execution, only officers who have forced entry training may participate as entry team members. Officers who do not have forced entry training shall not participate as entry team members on elevated-risk or high-risk executions.

2 DUE DILIGENCE

Prior to a pre-planned knock and talk or the pre-planned execution of any arrest or search warrant, officers shall conduct a query of police databases on the suspect(s), wanted person(s), and/or location. Officers shall make reasonable efforts to contact the concerned division if the wanted person is listed as a suspect in any other case so as not to interfere with ongoing

investigations. If the person is flagged or otherwise identified in the Records Management System (RMS) as requiring notification to an investigator prior to making contact with the wanted person or suspect, officers shall contact the investigator and/or the concerned division. Investigating officers shall take all steps necessary to flag persons or locations in RMS to ensure that other officers are aware of the need to make contact prior to warrant execution.

Prior to serving an arrest or search warrant, officers shall notify their supervisor and request permission to execute the warrant. The notified supervisor shall travel to the scene of any planned execution of an arrest or search warrant, other than a minimum-risk search warrant, to conduct a threat assessment. Officers assigned to multi-agency task forces are exempt from this requirement if a supervisor assigned to the task force, regardless of agency, is present.

Prior to execution of any warrant, the scene supervisor shall confirm that the location where the warrant is to be served is accurate (e.g., stated on the search warrant).

In order to de-conflict encounters with potential ongoing investigations and avoid blue-on-blue incidents, officers shall contact the Narcotics Operations Control Center (NOCC) prior to attempting planned warrant service or a knock and talk.

Warrant service outside of the Houston city limits requires prior approval from a lieutenant or above. If a lieutenant gives such approval, the lieutenant shall notify their division commander as soon as possible. If the location of the arrest or search warrant is outside the Houston city limits, officers shall also notify the police department, county sheriff, or precinct constable responsible for that jurisdiction prior to serving the warrant. If feasible under the circumstances, officers shall provide the agency the opportunity to be present during service and provide the agency a reasonable period of time to respond prior to serving the warrant.

Threat Assessment

Except for minimum-risk executions, the notified supervisor shall use the relevant threat assessment section in the current version of the *Threat Assessment/Operational Plan* form, available through the department's Intranet Portal, to evaluate the risk level of the warrant service. As indicated by the form, warrant executions with the potential for opposition or resistance, including all arrest warrants, are characterized as normal-risk, elevated-risk, or high-risk executions. The threat assessment determines which department resources are required for service.

Prior to any pre-planned normal-risk, elevated-risk, or high-risk execution of a warrant, the supervisor in charge shall:

a. Ensure that a *Threat Assessment/Operational Plan* form has been completed.

b. Review the form for accuracy and approve the completed form either in person or electronically.

[redacted]

d. Contact the on-call SWAT supervisor for assistance in completing the form as needed.

[redacted]

The supervisor in charge shall ensure the *Threat Assessment/Operation Plan* form is added to the case file or attached to the incident report through Intellinetics prior to the completion of the shift.

SWAT and the Narcotics Tactical Team (NTT) shall utilize a separate threat assessment set forth in divisional SOPs, as approved by the Executive Assistant Chief over Investigative and Special Operations. TFOs assigned to multi-agency task forces may use the threat assessment utilized by the host agency.

3 WARRANT EXECUTION

Officers conducting any warrant execution shall take appropriate safety measures, including usage of cover and concealment, to minimize the risk of injury to officers, the public, and the subject of the warrant. The scene supervisor(s) shall ensure that all officers on the scene take appropriate safety measures to mitigate the inherent danger of warrant executions. Additionally, officers shall ensure that the suspect has sufficient notice of the presence of genuine police officers by following the provisions of this General Order.

When participating in the execution of an arrest warrant or the execution of a search warrant requiring forced entry, all officers, including plainclothes officers, TFOs, and perimeter teams, shall obtain and activate body worn cameras (BWCs), as required by General Order 400-28, **Body Worn Cameras**. Participating officers shall wear body armor appropriate for the warrant service and clothing that clearly identifies them as police officers. Officers with certain assignments approved by Homeland Security Command [redacted] shall follow divisional SOPs regarding uniforms and BWC usage instead.

All divisions that regularly conduct elevated-risk and high-risk executions shall develop SOPs that provide additional guidance specific to the division's mission. Divisional Crime Suppression Teams (CST) shall follow the Patrol Operations SOPs. TFOs may use forms and SOPs implemented by the host agency.

[redacted]

Planned Forced Entry

When executing any arrest or search warrant at any structure, officers shall knock and announce themselves before making forced entry unless authorized to conduct a No-Knock warrant. Officers shall wait a reasonable amount of time for the occupant(s) to let them into the structure

consistent with the *Threat Assessment/Operational Plan* form and forced entry training. Supervisors shall only authorize forced entry in the circumstances described in Section 4, *Search Warrants*, or Section 5, *Arrest Warrants*.

[redacted]

[redacted]

[redacted]

Emergent Circumstances

During an on-view investigation or call for service, officers may learn that a person at the scene has an arrest warrant or may develop the need to obtain and execute an arrest or search warrant for persons and places outside of their control. When officers in such situations need to serve a felony arrest warrant or a search warrant on a location that may require forced entry, officers shall notify a supervisor, who shall make the scene.

The supervisor shall determine if the situation is a possible special threat situation, as required by General Order 600-05, **Special Threat Situations**. If the situation is not a special threat situation, the on-scene supervisor shall complete the relevant threat assessment section of the *Threat Assessment/Operational Plan* form, using available information about the suspect and the location. If safe to do so, officers shall attempt to establish communications with the subject and to gain compliance without the need for forced entry.

Because officers are already on-scene when an emergent circumstance arises, officers are not required to obtain a NOCC number when completing the *Threat Assessment/Operational Plan* form.

[redacted]

[redacted]

[redacted]

4 SEARCH WARRANTS

Officers shall only execute search warrants issued by a court of competent jurisdiction for the county in which the warrant will be served. Any search warrant for narcotics must be obtained by the Narcotics Division or with permission from a lieutenant or above in the Narcotics Division chain of command. Only NTT or SWAT may execute narcotics-related forced entry search warrants.

[redacted]

[redacted]

Following the execution of any search warrant, officers shall leave a copy of the warrant, excluding the affidavit, at the location searched. Officers shall also leave an inventory itemizing any property removed from the location. As required by the Texas Code of Criminal Procedure, Article 18.10, not later than three whole days after executing a search warrant, the affiant officer shall ensure return of the search warrant. Upon returning the search warrant, the officer shall state on the back of the warrant, or on some paper attached to it, the manner in which the warrant has been executed. The officer shall also deliver to the magistrate a copy of the inventory of the property taken into possession under the warrant. If the county in which the warrant was executed has implemented a software application to process warrants electronically, officers may accomplish the return through the application.

No-Knock Warrants

If the facts and circumstances of a case establishing the probable cause include the likelihood that knocking and announcing would be dangerous, futile, or would inhibit the effective investigation of the crime, officers may seek a No-Knock warrant. Prior to any officer seeking judicial approval for a No-Knock warrant, the Chief of Police must review and approve the request in writing. The Executive Chief or an executive assistant chief may give this approval in the absence of the Chief of Police. If approved, the officer shall obtain judicial approval only from a district court judge.

[redacted]

Minimum-Risk Executions

Many investigations require minimum-risk executions of search warrants that are administrative in nature (e.g., business records), for property already in the custody of the department, for blood or other samples of bodily fluids and biometric information, or for property held by disinterested properties. Officers shall not complete a *Threat Assessment/Operational Plan* form for minimum-risk execution, unless there is a reason to believe that execution of the search warrant poses a threat to any person. Divisions that routinely conduct minimum-risk executions of search warrants shall incorporate an appropriate procedure in their SOPs. When no existing procedure exists, officers shall consult with their supervisor to determine the best course of action in serving minimum-risk executions.

5 ARREST WARRANTS

Alternate options should always be evaluated when considering how to approach any arrest warrant, including but not limited to the consideration of a variety of options and scenarios prior to executing an arrest warrant [redacted] Supervisors shall weigh the totality of circumstances before authorizing forced entry solely for an arrest warrant. Supervisors shall not authorize forced entry where a parole warrant has no other nexus with a police investigation other than the parole violation. Officers shall not make forced entry into a structure for the purpose of serving a misdemeanor arrest warrant absent other legal authority.

Officers executing an arrest warrant shall attempt to establish communications with the subject of the warrant and gain compliance. Forced entry is permitted only when all of the following conditions exist:

1. Officers have a reasonable belief based upon affirmative links that the suspect resides at the place to be entered and the suspect is present, or officers have a search warrant to search that location for the suspect.

2. The warrant is a felony arrest warrant or capias, or a parole violation warrant with a nexus to a police investigation other than the parole violation, or officers also have a search warrant to locate the suspect.

3. Officers have announced their presence and purpose and failed to obtain a response within a reasonable amount of time, pursuant to Section 2, *Due Diligence*, and Section 3, *Warrant Execution*.

4. An on-scene supervisor has approved forced entry under the safety guidelines established by Section 3, *Warrant Execution*.

If the wanted suspect is a juvenile, officers shall confirm a juvenile court has issued a valid directive to apprehend the juvenile pursuant to Chapter 52 of the Texas Family Code. Officers shall contact the Juvenile Intake Unit for guidance prior to apprehending a wanted juvenile suspect under a directive to apprehend and comply with all requirements of General Order 500-06, **Juvenile and Young Adult Encounters**.

[redacted]

[redacted]

Confirmation of Arrest Warrants Held by the County Sheriff's Office

The Harris County Sheriff's Office (HCSO) Criminal Warrants Division (CWD) is responsible for maintaining all criminal arrest warrant files for Harris County. In addition to the guidelines set forth in Section 2, *Due Diligence*, an officer executing an arrest warrant issued in Harris County shall confirm that the warrant remains valid by contacting the CWD. Officers needing to verify warrants from the Montgomery County Sheriff's Office or the Fort Bend County Sheriff's Office shall contact those agencies for assistance.

Officers shall verify the warrant a second time less than 30 minutes before the warrant execution attempt. The officer confirming the warrant shall obtain the following information:

a. Type of warrant (e.g., indictment, "to-be," motion to revoke probation, bond forfeiture) and type (e.g., assault, aggravated robbery, PCS) and level of charge (i.e., misdemeanor or felony).

b. Warrant number (OCA), court of jurisdiction, date the warrant was issue, and bond amount.

c. Name of the deputy confirming the warrant.

d. Whether anyone else has confirmed the warrant and whether there were any prior service attempts entered.

During arrest warrant verification, officers shall ask the verifying agency if another agency or investigator is seeking the wanted person(s) and shall contact that investigator for de-confliction purposes.

Documenting Arrest Warrant Service Attempts

If the wanted person is arrested, the arresting officer shall immediately advise the verifying agency, to prevent officers from trying to execute warrants that have already been served.

If an arrest warrant service attempt is made and the wanted person is not arrested, the officer shall call the verifying agency and notify them of the warrant service attempt. If the officer has full access to the Harris County Justice Web application (JWEB), they may enter the service into JWEB in lieu of calling the CWD.

Whether or not the warrant was successfully served, officers shall supplement the original HPD incident report as soon as possible, but not later than the end of the shift. The supplement shall contain all the details of the warrant service attempt. If the warrant service attempt was unsuccessful, the narrative shall include any additional information that the officer was able to obtain [redacted]

If the warrant originated from an outside agency or any other instance in which an original HPD incident report does not exist, the officer shall create an original incident report documenting the necessary information. The officer shall contact the originating agency and notify them of their findings, including the new HPD incident number and any other information obtained. Officers assisting other agencies or participating in task forces in the service of warrants are not required to document service if those attempts are documented by the initiating or host agency.

6 REQUESTS FROM OUTSIDE AGENCIES

Other than officers assigned to a division that regularly conducts elevated-risk or high-risk executions, officers shall refer outside agencies to Fugitive Apprehension Team (FAT), which is responsible for handling all requests from outside agencies for assistance in locating and arresting fugitives who are wanted for felonies and who are located within the city limits of Houston. The FAT may refer the outside agency back to the referring officers or to the Gulf Coast Violent Offenders or Fugitive Task Force instead.

7 INVOLVEMENT OF OTHER PERSONS

If an officer receives information from a member of the community about a wanted suspect in a situation where Section 3, *Warrant Execution*, subsection *Emergent Circumstances*, does not apply, the officer shall notify their immediate supervisor, verify that the warrant is active, and then contact the division responsible for the warrant to determine the appropriate course of action.

Officers shall not permit private investigators, bail enforcement agents, civilian employees, or any other non-law enforcement persons to participate in the execution of a warrant. With the approval of a division commander or above, officers may permit members of the media, employees of the district attorney's office, grand jurors, or ride-along participants to view a warrant service from a safe distance. Barring this special authorization, officers shall not permit non-law enforcement persons to accompany them or be provided any information concerning the timing or details of a warrant execution. When appropriate, officers may engage a key-holder to obtain access to a property, but officers shall not permit the key-holder to approach the property except in minimum-risk executions.

Troy Finner
Chief of Police