
	MESQUITE POLICE DEPARTMENT
	212.00 PROCUREMENT AND EXECUTION OF WARRANTS OF ARREST OR SEARCH
	Effective Date: August, 2011
	Approved: _____ <div style="text-align: center;">  Chief of Police </div>

Procedure:

I. Arrest Warrants

- A. Procedure to obtain an arrest warrant on a Felony, Class A and Class B misdemeanors during business hours.
 1. Complete an Arrest Incident or an At-Large Case on the LRMS system.
 2. Provide the service number of the incident to one of the C.I.D. secretaries and they will prepare the warrant.
- B. Procedure to obtain a Class C Misdemeanor warrant during business hours.
 1. Have the complainant sign a Municipal Court Complaint in front of a Notary.
 2. Fill out a Municipal Court Routing Slip and attach the Routing Slip to the complaint. Take the complaint and the routing slip to the Court Clerk's Office. If you want the warrant as soon as possible, tell the personnel of this fact, otherwise the warrant will be issued in several days and returned to the requesting officer.
- C. Procedure to obtain a Class C Misdemeanor warrant after business hours.
 1. Have the complainant sign a Municipal Court Complaint in front of a Notary.
 2. Fill out a Municipal Court Warrant and find the City Magistrate or an alternate to sign the warrant.
 3. Notify the Municipal Court the next business day that you obtained a warrant so that they may assign a number to the warrant.
- D. Procedure to obtain an arrest warrant on a Felony, Class A and Class B misdemeanors after business hours.
 1. Complete an incident report for an individual in custody or if the individual is not in custody complete an at large case report.
 2. Access the intranet and click on C.I.D. databases. Under the case file section complete the prompted steps to obtain the warrant number (Felony or Misdemeanor). After the warrant number is obtained, you may complete your arrest warrant.
 3. Contact a Magistrate and arrange for the Magistrate to sign the warrant. The Information Desk Assistant maintains a current list of addresses and phone numbers for the City Magistrate and the Alternate City Magistrates.
 4. Leave all the completed paperwork on the C.I.D. secretary's desk. This applies whether or not you serve the warrant. The C.I.D. Secretary will process the paperwork the next business day.

II. Search Warrants

- A. Procedure to obtain a Search Warrant
 1. Complete a Search Warrant consisting of the front page of the warrant, the Affidavit for Search Warrant, Exhibit A and if necessary any additional exhibits.
 2. A C.I.D. supervisor should review all search warrants.
 3. Take the completed Search Warrant to the appropriate Magistrate.
 4. Leave a copy of the Search Warrant and an inventory of seized property with the person in charge of the premises. If no one is on the premises, the executing officer shall leave a copy of the warrant and inventory in a conspicuous location inside the premises searched.

5. Make the "Return and Inventory" within fifteen (15) days, exclusive of the day of issuance and the day of execution "if the warrant is issued solely to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples; or three days, exclusive of the day of issuance and the day of execution if the warrant is issued for a purpose other than that described by subdivision (1)." Art. 18.07 Code of Criminal Procedure.
 6. Include a copy of the Search Warrant and Affidavit with the prosecution reports to be sent to the district attorney.
- B. Who may sign Search Warrant
1. A City of Mesquite Magistrate may sign a Search Warrant to be executed in Dallas and Kaufman Counties for items numbered 1-9 and 11 in Art. 18.02 Code of Criminal Procedure.
 2. A Search Warrant written under Art. 18.02 (10) and 18.02 (12) Code of Criminal Procedure may only be signed by a judge of a municipal court of record or a county court judge who is an attorney licensed by the State of Texas, a statutory county court judge and a district court judge, except:
 3. Any magistrate who is a licensed attorney in the State of Texas may issue a Search Warrant under Art. 18.02 (10) of the Code of Criminal Procedure to collect a blood specimen from a person who: is arrested for an offense under 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08 of the Texas Penal Code and refused to submit to a breath or blood alcohol test.
- III. Magistrates
- A. Procedure to locate a Magistrate to sign an Arrest or Search Warrant during business hours, in order of priority:
1. Contact the City of Mesquite Court Clerk's Office for the city judge or one of the alternate city judges (The Information Desk Assistant maintains a current list of addresses and phone numbers for the City Magistrate and the Alternate City Magistrates.).
 2. Contact the Dallas County District Attorney's Office for assistance locating a District or County Court judge.
 3. Contact the on-duty Dallas County Jail Magistrate (24 hours) at 214-653-2842. (Numbers 2 and 3 should only be used for Dallas County warrants)
- B. Procedure to locate a Magistrate to sign an Arrest or Search Warrant after normal business hours, in order of priority:
1. Contact the city judge.
 2. Contact an alternate City of Mesquite Judge.
 3. Dallas County Jail Magistrate (24 hours) at 214-653-2842 (For Dallas County warrants only)
- IV. Execution of Search and Arrest Warrants
- A. The officer responsible for the execution of a search/arrest warrant shall notify his supervisor prior to execution.
- B. One or more uniformed officers shall participate in the execution of any Mesquite Police Department search/arrest warrant within the City of Mesquite.
- C. The local law enforcement agency shall be notified prior to the execution of any search/arrest warrant outside the City of Mesquite, except as directed by a command-level officer. A uniformed member of that agency shall be requested to accompany executing officers, except as directed by a command-level officer.
- D. The officer in charge of execution of a search/arrest warrant shall ensure that all participants in the operation, including any representatives of another agency, are thoroughly briefed prior to the operation. The briefing shall include:
1. introduction of any participants who are unknown to one another,
 2. individual assignments,

3. physical layout of the structure to be searched,
 4. known information regarding persons expected to be present,
 5. need for raid jackets and/or protective clothing
- E. The officer responsible for execution of the warrant shall present the person in charge of the premises with a copy of the search/arrest warrant, and a signed copy of an inventory of all property seized, if any. If no one is present at the time of execution, the responsible officer shall leave a copy of the warrant and inventory in a conspicuous location inside the premises searched.
- V. Mesquite Municipal Court Arrest Warrants
- A. The possibility of human error or of information system deficiency should not be ruled out. For that reason, any claim of error raised by a person believed to be a subject of a Mesquite Municipal Court warrant should be carefully evaluated.
- B. If a claim of error in a Mesquite Municipal Court warrant cannot be conclusively resolved, the officer should obtain a current address and phone number for the subject. The subject should then be released with instruction to contact the City of Mesquite Municipal Court during the next business day for a resolution of the matter. The officer shall provide a memorandum to the Court, through the chain of command, outlining the circumstances and the claim.
- VI. Search Warrant Return
- A. Municipal Magistrate - Original Warrant shall be returned as prescribed by law.
- B. Alternate Municipal Magistrate - A copy of the warrant will be given to the alternate judge when the return is made and the original will be returned to the municipal judge.
- C. Other Magistrates - Search warrant originals will be returned to the issuing judge when the return is made and a copy given to the municipal judge.

The municipal judge will maintain a central file of all search warrants obtained by our officers.
EFFECTIVE: April, 1986/May, 1984; FORMERLY: C/86-64, C/84-56, CID Directive #5; REVISED: September, 1990; REVISED: January, 1992; FORMERLY: 213.00; REVISED: August, 2011