

OFFICE OF INSPECTOR GENERAL
Audit and Inspections Unit



Search Warrant Inspection
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EXECUTIVE SUMMARY

On May 15, 2012, the Audit and Inspections Unit of the OIG initiated an inspection of the Oakland Police Department's compliance with Training Bulletin I-F; OBTAINING A SEARCH WARRANT. The bulletin sets forth the guidelines for obtaining a search warrant and dictates review and tracking procedures.

The inspection found significant compliance with policy. The supervisors and commanders assured review of warrants prior to being presented to a judge. The CID commander and CID administrative personnel reviewed completed/served warrants and associated inventory forms and forwarded copies to OIG. The Search Warrant Approval Tracking Sheet (TF-3343) allows all personnel involved to track and manage search warrants and creates a necessary check and balance. The only deficiency noted was the illegibility of some of the scanned copies of hand written inventories. This deficiency was previously referenced in the external search warrant audit completed in April 2012.

PURPOSE

The purpose of the inspection was to determine if the Oakland Police Department is adhering to its guidelines for obtaining a search warrant, as set forth in the Departmental Training Bulletin I-F.

BACKGROUND

Office of Inspector General

Departmental Training Bulletin I-F requires the OIG to conduct compliance audits annually. An independent audit of Department search warrants was completed in March 2012 and a full OIG audit is scheduled for September 2012. At the time of this inspection, the most recent search warrant policy was Departmental Training Bulletin I-F, which was revised on January 13, 2009.

SCOPE AND POPULATION

Scope

The inspection focused on the Department's policy and practices in its review and tracking of search warrants. Departmental Training Bulletin I-F and the Search Warrant Approval Tracking Sheet (TF-3343) were used as guidelines. OIG reviewed search warrants and associated tracking sheets and inventories.

Population

At the time of the inspection, there were 64 completed and served search warrants year to date. All of the warrants were generated by personnel from one

of four major areas of the Department; MCS (CID-Major Crimes/Robbery), GITF (CID-Gang Intelligence Task Force), FIS (CID-Family Investigation Section) or Patrol (BFO1 and BFO2-Patrol and Special Resources). The year-to-date breakdown per area was as follows:

MCS	35 warrants
GITF	7 warrants
FIS	4 warrants
Patrol	18 warrants

Of the 64 warrants, 20 of them (31%) were reviewed. In an attempt to get a varied cross section of the warrants, six warrants from MCS were reviewed, five warrants from GITF were reviewed, five warrants from BFO were reviewed and all four of the FIS warrants were reviewed.

With the exception of the FIS warrants (entire population reviewed), the warrants were randomly selected by using the number randomizer located on the <http://www.random.org/integers/> website.

Reference Material

- Department Training Bulletin I-F; OBTAINING A SEARCH WARRANT
- Search Warrant Approval Tracking Sheet (TF-3343)
- Inspection Spread Sheet (Appendix A)

INSPECTION OBJECTIVES AND FINDINGS

Objective 1

Department Training Bulletin I-F requires officers to complete a Search Warrant Approval Tracking Sheet for every search warrant. Each Search Warrant Tracking Sheet requires the following:

- I. Informant File Number if applicable
- II. Supervisor review/approval prior to presentation to a judge
- III. First-Level Commander review/approval prior to presentation to a judge
- IV. CID Commander review after service of warrant
- V. CID Administration review/scan after service of warrant
- VI. Notation of Chemical Analysis Report if applicable

Findings

- I. Informant File Number if applicable:*
Of the warrants reviewed, only five of them involved the use of a confidential informant. Of those five warrants, two of them had sealed affidavits with the word "SEALED" where the informant number was required on the tracking sheet; indicating that the approving judge concurred with the need to make the identity of those used to establish probable cause confidential to everyone, but the warrant author and the Court. The other three warrants listed the appropriate applicable informant number.
- II. Supervisor review/approval prior to presentation to a judge:*
All of the Search Warrant Tracking Sheets had a supervisor's approval signature prior to being presented to a judge.
- III. First-Level Commander review/approval prior to presentation to a judge:*
All of the Search Warrant Tracking Sheets had a commander's approval signature prior to being presented to a judge.
- IV. CID Commander review after service of warrant:*
All of the Search Warrants were reviewed by the CID Commander. All of the Search Warrant Tracking Sheets had a dated signature by the CID Commander completed after the respective warrant service.
- V. CID Administration review/scan after service of warrant:*
All of the Search Warrant Tracking Sheets were signed and dated by CID Administrative personnel and scanned into a PDF. All of the warrants and associated documents inspected for this report were in fact copies of those scanned files.
- VI. Notation of Chemical Analysis Report if applicable:*
Not applicable. Of the 20 warrants reviewed, none of them required analysis. Subsequently, no Chemical Analysis Reports were completed and none were noted on the Search Warrant Tracking Sheets.

Objective 2

All search warrants require the approval of a judge prior to service.

Findings

All of the warrants were served after being reviewed and approved by a judge.

Objective 3

When applicable, a Chemical Analysis Report will be attached to affidavit.

Findings

None of the warrants required chemical analysis, so no reports were applicable to this requirement.

See Review Objective 1-VI for further details.

Objective 4

All search warrants require an inventory form.

Findings

All of the warrants included a completed inventory form.

Objective 5

All completed/served search warrants are to be forwarded to OIG.

Findings

All files met this requirement. This was verified by their presence on the OIG Network Server.

Objective 6

All scanned copies residing on the server are to be legibly preserved for future reference.

Findings

Of the 20 warrants reviewed, 3 of them (15%) had copies of handwritten inventories that were difficult to nearly impossible to read due to the illegibility caused by the scan of a handwritten duplicate. This was caused by the nature of a duplicate (light copies) and/or poor penmanship.

RECOMMENDATIONS

Regarding the illegibility of scanned copies of the hand written warrant inventories, it is recommended that the Department do away with the duplicate hand written form or require a typed version of the return. As the scanned versions of the warrant and inventory report on the Department's servers are used as official Department record, it is of paramount importance that the Department has a legible copy to reference when needed.

CONCLUSION

The Department is following the policy. The advent and application of the Search Warrant Tracking Sheet affords all involved the opportunity to obtain a search warrant in a systematic manner with minimal availability for error.

APPENDIX A

Spring 2012 OPD Search Warrant Compliance Spot Check												
#	Warrant Tracking Number	Assignment	Tracking Sheet with Date	Supervisor Review Prior to Judge	Commander Review Prior to Judge	Date signed by judge	CI # if CI used to obtain warrant	Completed Inventory Form if applicable	CID Command Review with date	CID Admin Review with date	Chemical Analysis report if needed	Copy to OIG
1	12-001	Patrol (BFO)	Yes	4-Jan-12	4-Jan-12	4-Jan-12	N/A	Yes	8-Jan-12	10-Jan-12	N/A	Yes
2	12-002	FSS	Yes	19-Jan-12	19-Jan-12	19-Jan-12	N/A	Yes	25-Jan-12	25-Jan-12	N/A	Yes
3	12-003	GITF	Yes	19-Jan-12	19-Jan-12	19-Jan-12	N/A	Yes	25-Jan-12	25-Jan-12	N/A	Yes
4	12-004(4)	MCS 2	Yes	29-Jan-12	29-Jan-12	29-Jan-12	N/A	Yes	6-Feb-12	22-Feb-12	N/A	Yes
5	12-013	PSO 3 (BFO)	Yes	10-Feb-12	10-Feb-12	10-Feb-12	N/A	Yes	29-Feb-12	1-Mar-12	N/A	Yes
6	12-016	FSS	Yes	6-Feb-12	6-Feb-12	6-Feb-12	N/A	Yes	2-Mar-12	2-Mar-12	N/A	Yes
7	12-017	FSS	Yes	28-Feb-12	28-Feb-12	28-Feb-12	N/A	Yes	6-Mar-12	7-Mar-12	N/A	Yes
8	12-018	FSS	Yes	1-Mar-12	1-Mar-12	1-Mar-12	N/A	Yes	6-Mar-12	7-Mar-12	N/A	Yes
9	12-019	MCS 2	Yes	2-Mar-12	2-Mar-12	2-Mar-12	N/A	Yes	6-Mar-12	7-Mar-12	N/A	Yes
10	12-021	MCS 2	Yes	4-Mar-12	4-Mar-12	4-Mar-12	N/A	Yes	8-Mar-12	9-Mar-12	N/A	Yes
11	12-023	GITF	Yes	6-Mar-12	6-Mar-12	6-Mar-12	10 --15	Yes	8-Mar-12	9-Mar-12	N/A	Yes
12	12-024	MCS 2	Yes	4-Mar-12	4-Mar-12	4-Mar-12	N/A	Yes	6-Mar-12	9-Mar-12	N/A	Yes
13	12-035	CRT5 (BFO)	Yes	26-Jan-12	26-Jan-12	26-Jan-12	10 -- 38	Yes	27-Mar-12	28-Mar-12	N/A	Yes
14	12-040	GITF	Yes	21-Mar-12	21-Mar-12	28-Mar-12	Sealed	Yes	1-Apr-12	2-Apr-12	N/A	Yes
15	12-042	Robbery	Yes	28-Mar-12	28-Mar-12	28-Mar-12	N/A	Yes	1-Apr-12	2-Apr-12	N/A	Yes
16	12-044(2)	GITF	Yes	3-Apr-12	3-Apr-12	3-Apr-12	N/A	Yes	15-Apr-12	16-Apr-12	N/A	Yes
17	12-050	PSO 1 (BFO)	Yes	28-Mar-12	28-Mar-12	29-Mar-12	N/A	Yes	15-Apr-12	16-Apr-12	N/A	Yes
18	12-051(1)	MCS 1	Yes	2-Apr-12	2-Apr-12	2-Apr-12	N/A	Yes	15-Apr-12	16-Apr-12	N/A	Yes
19	12-058	CRT5 (BFO)	Yes	22-Mar-12	22-Mar-12	22-Mar-12	10 -- 06	Yes	19-Apr-12	19-Apr-12	N/A	Yes
20	12-061	GITF	Yes	19-Apr-12	19-Apr-12	19-Apr-12	Sealed	Yes	24-Apr-12	25-Apr-12	N/A	Yes