



# TYLER POLICE DEPARTMENT

## GENERAL ORDER: 12.300

	<b>ARREST / SEARCH WARRANTS</b>	
	<b>EFFECTIVE DATE: 12-01-1990</b>	
	<b>REVISED DATE: 12-31-2020</b>	
<b>CALEA STANDARDS: 1.2.5; 1.2.6; 1.2.7; 41.3.6; 74.1.1; 74.3.1</b>		

**12.301 PURPOSE – [CALEA Standard: 74.3.1]**

- A. It is the duty of every officer to execute valid warrants according to the provisions of this policy. The purpose of this policy is to establish guidelines for the execution of arrest / search warrants by department personnel to insure maximum safety of employees and the public. Additionally, the policy shall establish guidelines to provide for minimal property damage and successful warrant execution.

**12.302 ARREST / SEARCH WARRANTS – [CALEA Standard: 74.1.1]**

- A. All warrants which appear to be in proper form shall be presumed to be valid and legal.
  - 1. Any warrant which appears not to be in the proper form shall not be executed but shall be returned to the court by which was issued. This shall include any warrant containing significant errors in identifying the persons to be arrested or place to be searched or the property to be seized.
  - 2. No person shall alter an issued warrant in any way.
  - 3. If an employee has any question about the details or current validity of a warrant, the employee shall attempt to verify the information on the warrant before executing the warrant.
    - a. If the warrant is determined to be invalid the subject will be released immediately. If the subject has already been booked into jail a supervisor shall be notified. The supervisor should seek release authority from the District Attorney's office.
  - 4. At the time of arrest or thereafter, if an arrestee asserts mistaken identity, or

plausible alibi, mistake, or defense, a reasonable investigation will be made to clarify, confirm, or refute it. A supervisor will be notified of the results of the investigation.

- B. An employee need not have actual physical possession of an arrest warrant in order to execute it; however, before executing a warrant not in the employee's possession the employee shall personally determine that the warrant does in fact exist, where it is located, and its designated warrant number.
- C. Determination of Time of Execution
  - 1. An arrest warrant may be served at any convenient time of the day or night or at any place (public or private) where the individual named is reasonably believed to be, as determined by knowledge of the individual's whereabouts and likely movements, and consideration of safety and security of the arrestee, employees, and third parties; however, when possible, service of the warrant will be made during the daylight hours.
    - a. The warrant need not be served at the first possible opportunity, but must be served consistent with the consideration for safety of all parties.
    - b. The time and place of arrest shall not be selected solely with a view to creating the opportunity to conduct a search incident to the arrest or to unnecessarily embarrass, oppress, or inconvenience the arrestee.
  - 2. A search warrant shall be executed as soon as practical after its issuance, but no later than the time provided for by statute. The time of actual execution shall be determined by balancing the safety, effectiveness, and convenience of the employees and the premise occupants according to the following considerations:
    - a. The execution shall occur during daylight hours unless other circumstances make this impractical; and
    - b. The execution should occur at a time when:
      - 1) The property to be seized is believed to be present;
      - 2) The least resistance is expected or resistance can be controlled; and
      - 3) Offer the least inconvenience to persons on the premises to be searched, unless other circumstances make this impracticable.
  - 3. Arrest warrants may be served on school (primary or collegiate) campuses during class hours with the approval of a supervisor, unless exigent

circumstances exist making such supervisory approval impractical.

- a. All execution of warrants at any school will be effected / coordinated through the given school's principal's office, campus security personnel and/or the school's campus police department (i.e. TISD, TJC, UT Tyler) when possible.

D. Scope of Authority Under Search Warrant

1. The search warrant shall be executed at, and the search made of, only the places described in the warrant.
  - a. The search may extend to all buildings or structures within the curtilage of the described place where the items sought may be kept as per the search warrant.
  - b. A warrant describing the place to be searched as a limited portion of larger premises may not be extended to other unnamed portions.
  - c. Vehicles found upon the premises shall not be searched unless specifically named in the warrant or unless independent probable cause and exigent circumstances develop or with any other exception allowed by law.
2. The search shall be limited to discovering those items named in the warrant and examining those places or things which could contain or conceal the items described in the warrant; however, items not named in the search warrant and discovered during a lawful search may be seized if:
  - a. Items are found in a place reasonably within the scope of the search;
  - b. Items are contraband; or
  - c. There is probable cause to believe the items are stolen or are evidence or instrumentalities of a crime.
3. Any person found on the premises may be searched:
  - a. If the employee has reasonable suspicion that a particular person is armed and endangers the employee(s) or other persons, that person may be frisked for weapons.
  - b. To prevent the disposal or concealment of any instruments, articles, or contraband particularly described in the warrant if there is a reasonable suspicion that the person may have such items upon the person's body. In determining whether reasonable suspicion exists, employees shall consider:
    - 1) The nature and physical quality of the items sought;

- 2) The ease with which the item may be disposed of or concealed;
  - 3) The fact, if true, that the item has not been located upon the premises; or
  - 4) The relationship of the person to the premises, including ownership, residence, frequenter, and those in control of the premises.
- c. Incident to arrest
  - d. If the warrant gives the name and useful description of the person, (e.g. usually the owner or person in charge of the premises).
  - e. If the warrant specifies any persons unnamed, but described, found on the premises based on their connection with or access to the property to be seized;
- 4. In cases of combined warrants directing both arrest and search or where employees suspect that there may be warrants outstanding, they may ask persons on the premises to identify themselves in order to determine whether any of those persons is named in the arrest warrant.
    - a. Persons on the premises may also be asked to identify themselves if they are witnesses to the search or arrest; however, refusal does not automatically authorize arrest.
      - 1) If during the search any contraband or other item is found, the presence of which yields probable cause to believe that an offense has been committed, the employees may arrest any or all of those persons on the premises as to whom probable cause exists pursuant to the laws and rules for arrest without a warrant or, where required, obtain an arrest warrant.
      - 2) Unless the situation falls within one of the preceding sections, officers may not require any person on the premises to identify themselves.

E. Warrant Execution: Employee Responsibilities / Requirements

- 1. In case of arrest:
  - a. Announce to the person being arrested that the arrest is made pursuant to a warrant;
  - b. Exhibit the warrant to the arrestee, or, if the employee does not have the warrant in their possession and the arrestee requests a copy of

the warrant, the employee shall obtain a copy for the arrestee as soon as possible;

- c. Give the arrestee the standard Miranda Warning; *if conducting a custodial interrogation*; and
- d. Take the person (or have the person taken) without unnecessary delay before an appropriate Magistrate, depending on the place of the arrest:
  - 1) If inside Smith County, the arrested person is to be taken to Smith County Jail. A magistrate will warn the arrested person at the jail.
  - 2) If outside Smith County or an adjoining county, take the person before a magistrate in the jurisdiction where the arrest occurred.
  - 3) If necessary to provide prompt magistrate warnings, the arrestee may be first taken to a magistrate in an adjoining county to the place of arrest.
  - 4) If a person is arrested outside the State of Texas on a felony warrant held by this Department, the Investigative Unit Sergeant and assigned investigator responsible for the issuance of the warrant shall be notified. In the absence of the Investigative Unit Sergeant and assigned investigator responsible for the issuance of the warrant, the Investigative Division Lieutenant shall be notified.
    - a) Once all extradition waiver proceedings have been concluded in accordance with the laws of the State where the person is being held the assigned investigator shall forward the warrant or capias to the Smith County Sheriff's Office. The investigator shall request the prisoner be retrieved and transferred to Smith County. Should Sheriff's Office be unable to retrieve the prisoner a private transport company may be contacted in order to retrieve the prisoner.
    - b) Should the Smith County Sheriff's Office and the private transport company be unable to retrieve the prisoner the Investigative Asst. Chief / Division Commander shall be notified. The decision to retrieve the prisoner by Department personnel shall be left to their discretion or, in their absence, the Asst. Chief's designee.
    - c) If the arrestee refused to waive extradition, the Smith

County District Attorney's Office shall be notified in order to start extradition proceedings.

2. In case of search:
  - a. Present a copy of the warrant to an appropriate person or leave a copy of the warrant in the searched premises before leaving; and
  - b. Comply with the provisions of section ([12.302 E1c and d](#)) above for any person arrested in conjunction with the search.
  
- F. Arrest warrants for Class **B** Misdemeanor or above can be entered into NCIC with approval of a supervisor.
  
- G. Jurisdictional Provisions Relating to Arrest Warrant Execution.
  1. An employee shall not go outside the city limits of Tyler in order to execute an arrest warrant unless:
    - a. The employee is in "hot" pursuit of the person to be arrested, in which case the employee shall proceed according to the rules of Hot Pursuit; or
    - b. The employee is acting with the presence of an employee of the jurisdiction where the warrant is to be executed.
  
  2. As part of executing an arrest warrant for any offense an employee may, in lieu of taking the person into custody, notify the person by telephone of the existence of the warrant and advise the person to present themselves at either the Ferguson or Faulkner Police Stations within a reasonable time.
  
  3. When an employee of this department has received reliable information that another agency holds an arrest warrant for a person found or known to be within the City of Tyler's jurisdiction, the employee shall adhere to the following outlined below.
    - a. If the warrant is from another agency within this State:
      - 1) Arrest warrants will be verified by teletype through the originating agency. If verification cannot be obtained within a reasonable period of time, the person will be released.
      - 2) The teletype verification documentation shall list the information below:
        - a) Confirmation that the warrant is outstanding;
        - b) Whether the warrant is a misdemeanor or felony;

- c) Issuing agency will or will not extradite;
  - d) Name of the accused person;
  - e) Originating State; and
  - f) Alleged offense committed.
- 3) Arrest and book-in the person on the warrant;
  - 4) Notify the agency holding the warrant that it has been executed and the location of the arrestee; and
  - 5) Take the arrestee before a magistrate as specified in subsection [12.302 E1d](#) above.
- b. If the agency is from another State and the warrant is for a felony or treason:
- 1) Attempt verification of the warrant's validity and obtain a "*magistrate's warrant*" as required by [Art. 51.03 of the Texas Code of Criminal Procedure](#) after a complaint is prepared as required by [Art. 51.04 of the Texas Code of Criminal Procedure](#).
  - 2) Notify the agency holding the warrant immediately after the person has been arrested; and
  - 3) Take the arrestee before a magistrate as required by [Art. 51.05 of the Texas Code of Criminal Procedure](#).
  - 4) If the arrestee wishes to waive extradition proceedings then the employee assigned to the case, or any other employee so designated, shall advise the Smith County District Attorney's Office in order that a proper waiver may be prepared and presented to a Court of Record as required in [Section 25 of Article 51.13 of the Texas Code of Criminal Procedure](#).
  - 5) If the arrestee refuses to waive extradition proceedings the agency holding the warrant shall be notified that they must institute extradition proceedings within five (5) working days, pursuant to the appropriate sections of [Article 51.13 of the Texas Code of Criminal Procedure](#).
  - 6) If there is not time to procure a "*Magistrate's Warrant*," after validation by the agency who holds a warrant, a person may be arrested without a warrant if the person stands charged in the other state with a crime punishable by death or at least one (1) year imprisonment. The arrestee must then be taken

before a magistrate as required in [Section 14 of Article 51.13 of the Texas Code of Criminal Procedure](#) where by a written complaint, as enumerated in [Article 51.05](#), must be prepared and presented. After the out of state agency has been notified, all subsequent proceedings will be as listed in Section 12.302 G 3 b 4) & 5) directly above.

- 7) When a suspect is violent or the area has become volatile, verbal confirmation is sufficient to take the suspect into custody. The suspect may be removed a short distance away where they can be secured without any contact from the public. The suspect is not to be transported to the jail without written confirmation of the warrant.
4. An employee of this department shall not execute a misdemeanor warrant issued by an out-of-state jurisdiction without verified extradition assurances or the approval of the District Attorney's Office.
5. Formal requests for warrant service from agencies outside Texas will be handled by the Investigative Division, as well as follow up on all out of state warrants that are executed without a prior request.
6. The Patrol Division will handle formal requests for warrant service from agencies outside the City of Tyler and within the State of Texas, except Class **C** Misdemeanors, which shall be forwarded to the City Marshall's Office for service.

H. Jurisdictional Provisions Relating to Search Warrant Execution.

1. A sworn employee from this Department may execute a search warrant outside the City of Tyler when accompanied by a sworn employee of the jurisdiction where the search is to be conducted. If a sworn employee from that jurisdiction is not available a supervisor should be notified prior to executing the warrant.
- I. When a sworn employee has lawfully stopped or otherwise detained and identified a person, the employee may, concurrently with the detention, initiate a records check to determine whether any arrest warrant is outstanding against the person. A person who has been lawfully stopped and is being detained for a warrant check:
  1. May be detained for a reasonable period of time to allow for:
    - a. Routine records checks by radio, telephone, teletype, or computer terminal.
  2. May be prevented from leaving the officer's presence.
    - a. The person may be required to wait in the employee's vehicle, the person's own vehicle, or other convenient place.



- b. The person may be frisked if the employee reasonably suspects that the person may be armed.
- J. Serving arrest warrants on suspects who are in jail.
  - 1. Sworn employees who are responsible for serving a warrant may personally serve the warrant or have the warrant served by jail staff through whatever electron means (e.g. fax, email, etc.) is agreed upon between the employee and the jail employee. Once served the jail personnel shall be responsible for take the arrestee / prisoner before a magistrate as required by law.

### 12.303 OBTAINING AND CLEARING WARRANTS

- A. Obtaining Probable Cause Search / Arrest Warrants
  - 1. A probable cause warrant is an arrest warrant based upon an affidavit setting forth sufficient probable cause to justify the arrest of the accused for violation of some law or ordinance. Sworn employees obtaining a probable cause warrant must submit an affidavit documenting the probable cause for arrest, case report and other evidence, such as statements, that substantiate the probable cause.
    - a. Prior to a probable cause warrant affidavit being presented to a magistrate for a warrant it shall be review and approved by a sworn supervisor.
  - 2. Arrest warrants shall be obtained from a magistrate, including the Tyler Municipal Court Judge.
    - a. Officers will comply with the procedures of the court from whom the warrant is sought.
  - 3. All warrants will be filed in the appropriate location in the Communications Unit. Municipal Court Warrants will be maintained by the Municipal Court.
- B. All search warrants will be coordinated through and reviewed by the initiating sworn employee's immediate supervisor prior to presentation of the warrant to a magistrate. In the absence of the employee's immediate supervisor the warrant shall be presented to Division / Shift Lieutenant for their review.
  - 1. The supervisor reviewing the search warrant affidavit shall ensure that the following information is verified in the investigation leading to the request for a warrant.
    - a. Probable cause exists to warrant the search and that the information is properly documented.
    - b. The location to be searched has been verified as the place that the

things to be searched for are located. The employee requesting the warrant shall explain to the supervisor how the location was verified.

- c. The employee requesting the warrant should give the supervisor a summary of the investigation and should be able to answer any questions relating to the investigation.
- d. The supervisor shall be responsible for ensuring that the information in the warrant adheres to current Department General Orders.

#### 12.304 EXECUTION OF ARREST/SEARCH WARRANTS – [CALEA Standard: 41.3.6]

##### A. Definitions:

1. **Briefing:** The pre-operation meeting, either at the police station or staging area, of all officers participating in the functions of initial entry, internal security, and inner perimeter security for high risk arrest or search warrant execution; conducted by the team leader and case investigating officer.
2. **Entry / Security Team:** The team responsible for initially entering the operation location, and absent exigent circumstances announcing the police presence, knocking on the entry door, and identifying the police purpose in the operation where required; also responsible for moving through the location to search for occupants and items of immediate danger.
3. **High Risk Warrant:** A pre-planned operation in which there is good reason to believe that the person(s) involved may be armed and/or intent on resisting. This includes the serving of all felony arrest warrants, search warrants for controlled substances when the Narcotics / Vice Unit Sergeant believes the operation is High Risk in nature, and all warrants classified as “*No Knock*.”
  - a. Not all High Risk Warrants will be classed as “*No Knock*” warrants. Those that are shall be based on exigent circumstances and the specific nature of the warrant as detailed in the warrant affidavit and further outlined in [sub-section 12.304D1](#) of this policy below.
  - b. In the absence of the unit sergeant responsible for issuing the warrant the division lieutenant shall be given the necessary facts in order to determine whether the warrant execution should be considered High Risk.
4. **Inner Perimeter Security:** The sworn employees assigned to provide close-in cover / security around the structure that is the object of the operation.
5. **Outer Perimeter Security:** The sworn employees assigned to provide secondary cover / security around the structure which is the object of the operation; responsible for providing continued covert surveillance during the operation.

- B. Once an arrest or search warrant has been obtained the sworn employee will notify their immediate supervisor. The supervisor, if available, will hold a briefing to clarify the duties and responsibilities of each employee assigned to participate in the execution of the warrant and address any equipment needs or issues. If the employee's supervisor is not available the employee will notify an appropriate on-duty supervisor. The supervisor who is notified will be responsible for conducting the briefing.
1. After the briefing and prior to leaving the police department or other designated staging area, the supervisor will prepare a list of the personnel assigned to execute the warrant and indicate their specific duties and assigned equipment.
  2. No department personnel will participate in the execution of the warrant other than those specifically assigned to the operation. No persons other than peace officers and members of the District Attorney's Office will be permitted to accompany the employees in the execution of any warrant unless authorized by the Chief of Police.
    - a) Authorized riders are to remain in the police vehicle and are not to accompany an employee during the execution of a search warrant.
- C. The Shift Lieutenant / Commander or Acting Shift Lieutenant / Commander and Communications Supervisor or Acting Communications Supervisor will be notified of the intent to execute the warrant. After all proper notifications are made, personnel will proceed to the site of the intended warrant execution.
- D. Entry Procedures
1. Sworn employees shall knock, announce their identity, and demand admission to private premises. They shall wait a reasonable amount of time to be admitted, unless exigent circumstances exist, and explain their purpose if so requested. The decision to deviate from the "*Knock and Announce*" entry (i.e. "*No Knock*") will be determined by exigent circumstances known before the issuance of the search warrant, during the issuance of the warrant, or at the time of the service of the warrant. Prior knowledge that exigent circumstances exist will require a search warrant that authorizes entry without prior announcement as defined in [sub-section 12.304A3a](#) above.
    - a. Entry of the premises shall be accomplished through the least forcible means possible under the circumstances.
    - b. When entering a building, residence or any other structure, the entry / security team shall enter first with the intent to locate and control the movements of all persons who might pose a threat and all items that might be used as weapons. This may include frisking any person found there whom the employee reasonably believes may have a

weapon concealed on their person.

- 1) No amount of force greater than is necessary shall be used to secure the premises. The threat of force shall be terminated when it is clear that any potential resistance has been controlled.
  - 2) As soon as possible an employee shall explain fully the reason for the employee's presence and provide / display the warrant.
  - 3) As soon as the structure has been secured, all members of the security team who are no longer necessary shall leave the area.
- c. Forcible entry into a structure may be made in order to perform a felony arrest after employees have demanded entry and been refused.
- 1) Forcible entry under this section may not be made for a misdemeanor arrest or at a third party residence unless a search warrant has been obtained.
- d. Where unforeseen and exigent circumstances exist, employees may enter after waiting a short, but reasonable period of time. If an employee has reason to believe circumstances exist that would unduly jeopardize the safety and security of department personnel, person(s) in the area, and/or items sought, force may be used to enter the premises.
- 1) Employees shall be accountable for the amount of force used to enter the structure; balancing the need for efficiency with a proper respect for the property being entered.

## 2. High Risk Warrants

- a. The Special Weapons and Tactics Team (SWAT) Commander and/or Team Leader / Supervisor shall be present and oversee the actions of the assigned team designated to execute the warrant. In the absence of the SWAT Commander and Team Leader / Supervisor a supervisor of the rank of Sergeant or higher will assume the responsibility for the designated team.
  - 1) Members of the SWAT Team or the team as a whole shall be utilized to assist investigators with the execution of a warrant deemed high risk.
- b. Except as extraordinary, exigent, or life threatening circumstances may dictate, investigative personnel will not participate as part of the

entry / security team. Instead, their participation will be limited to inner or outer perimeter security, internal security immediately following the entry team, and post entry arrest.

- c. All investigative personnel functioning as internal or inner perimeter security shall be present with SWAT personnel during the pre-operational briefing. This is required to maximize the recognition and identification of investigators during the operation.
- d. All personnel conducting surveillance on a target location during a pre-operation warrant briefing and therefore not present at the briefing will not be permitted to join the entry or internal security teams unless extraordinary, exigent, or life-threatening circumstances exist; their role shall be limited to surveillance and outer perimeter security **only**.
- e. All personnel participating in inner and outer perimeter security, internal security, and post entry arrest shall have the police badge displayed in a conspicuous manner facing the front of their outermost garment. This requirement does not apply to narcotic / vice personnel present at the location; however, in such cases, the identity and presence of any narcotics / vice personnel must be made known by the employees obtaining the warrant and/or the employee's supervisor to those participating in the operation prior to execution of the warrant.
- f. All department personnel involved in the execution of a high-risk warrant shall wear their issued body armor.

E. Arrest / Search Procedures.

- 1. Once the premises have been secured, an arrest / search team, comprised of the smallest number of employees necessary, not including members of the security team, shall enter and conduct the arrest / search.
  - a. Damage to the property should be minimal and the premises shall not be left in a state of disorder or disarray. The need for any structural damage or modification shall be carefully considered and approved by a supervisor before inflicted.
  - b. If entry was pursuant to a search warrant:
    - 1) Searching personnel will make an orderly search for the items named in the warrant. There will be no unnecessary disruption or damage to personal property.
    - 2) The search shall be confined to places where the items sought could be concealed. There will be no exploratory searches outside the scope of the warrant unless justified by

probable cause.

- a) Generally, two employees should be assigned to search a given room or area. Where circumstances permit, the occupants of the structure, at the time of the search, may accompany the searching personnel to each room as it is searched.
  - 3) A record shall be maintained throughout the course of the search, documenting each room / area searched, who conducted the search, the nature of any item(s) seized, and where the item(s) was located.
  - 4) All items seized shall be turned over to a single employee, designated as the Search Evidence Officer, along with the record of the search. The Search Evidence Officer will make a receipt for all items seized to be provided to the person from whose possession or control the items were taken or who was in control of the premises.
    - a) The Search Evidence Officer will also complete the warrant return with an attached inventory of the items seized to be delivered to the magistrate responsible for issuing the warrant.
  - 5) All items seized will be properly marked / labeled and submitted to Central Property in accordance with [General Order 20.100 – Property and Evidence](#) and the [Tyler Police Department Property Manual](#) without undue delay.
  - 6) Once employees have left premises **no** second searches shall be permitted under the warrant.
  - 7) All reports relating to the execution of the search warrant will be factual and complete. Any action taken outside the scope of the warrant must be documented in a written report. A list of employees who participated in the warrant execution are to be included in the report.
- F. Before leaving the scene after executing a warrant, employees will assure that the premises are adequately secure, either by leaving them in the hands of a responsible person, by locking all doors, and/or by securing all forced entry points.
1. In the case of a search warrant, employees will leave a copy of the search warrant in the structure or with an appropriate occupant or resident.
- G. In the event one or more outside agencies attempt to serve a high-risk warrant and contact any department member for assistance, the following operational requirements shall apply:

1. The highest rank sworn employee of the Division from whom assistance is requested shall assume final authority and responsibility for the operation.
2. The operation shall be conducted in accordance with procedures established in this policy. If the outside agency's personnel refuse to adhere these procedures, the department employee responsible for the operation may, at the employee's discretion, withdraw all department personnel and/or resources and discontinue participation in the joint operation.
  - a. Department personnel are to leave the scene entirely to avoid the appearance that the operation is being conducted with the approval, participation, sanction, or under the auspices of the Tyler Police Department.

### 12.305 FORCED ENTRIES ON ARRESTS

#### A. Felony Arrest

1. Only in cases of "Hot" Pursuit or felony warrant with probable cause to believe the subject is in a particular location may force be used to enter as stated in the [Texas Code of Criminal Procedure Art. 15.25](#) and [Art. 14.05](#).
  - a. Entry into a subject's residence must be with an arrest warrant, unless exigent circumstances prevent obtaining a warrant. Employees must comply with [Article 15.25 of the Texas Code of Criminal Procedures](#) and announce their authority and purpose.
  - b. Entry into a third party's residence must be with a search warrant or with permission from a person authorized to give consent in addition to an arrest warrant unless exigent circumstances prevent obtaining the search warrant.
2. When entry is made, with or without consent, a restricted search of the premises may be conducted to locate the subject based on probable cause to believe the subject of the felony warrant is present.
3. If sworn employees are lawfully on the premises with a warrant, they may follow other persons seen on the premises as a protective measure **only** if there are reasonable grounds to believe the persons to be armed or dangerous.

#### B. Misdemeanor Arrests.

1. Texas law does not authorize entry into a structure for misdemeanor arrests without a search warrant.
2. A search warrant for the person to be arrested must be obtained if force is required for entry on a misdemeanor warrant.

3. Since entry into a structure to execute a misdemeanor warrant is by consent, that consent may be terminated or limited to the area consented to being entered. Termination or withdrawal of said consent after arrest limits the officer's authority to the immediately area surround the location of the arrest in order to effectively remove the arrestee.
  - a. An aggravated case of a serious offense, dangerous offender, and movement might, under the protective rationale of felony cases, support a protective sweep / inspection of the rest of the premises without consent; however, the decision to do so will be very closely scrutinized.
4. "Hot" Pursuit entries into private residences are prohibited unless exigent circumstances exist and can be articulated.

12.306 FIELD RELEASE: CLASS C OFFENSES – [CALEA Standard: 1.2.6; 1.2.7]

- A. Field release is an alternative to arrest and confinement in jail.
  1. Persons charged with a Class **C** Misdemeanor offense occurring in the employee's presence, may be issued a citation, requiring them to appear in Municipal Court.
  2. If a person suspected of committing a Class **C** Misdemeanor cannot be properly identified and the employee is a witness, the employee may take the subject into custody (a supervisor's approval is required for traffic violation arrests).
  3. Sworn employees who encounter a subject(s) who has a warrant for a Class **C** Misdemeanor may make an arrest after receiving warrant confirmation and in accordance with Department policy and procedures. Should a reason exist to not make an arrest, the employee is to contact a supervisor in order to review the rationale for the non-arrest.
    - a. If a decision is made to not arrest a subject(s) who has a warrant for a Class **C** Misdemeanor, the employee is to obtain enough information on the subject to aid in making a follow-up arrest should the subject not take care of the warrant within a reasonable amount of time.
    - b. The employee will follow-up to make certain that the subject has taken care of the warrant. If the warrant has not been resolved, the employee will make attempts to contact the subject until the warrant has been served or cleared.

12.307 FIELD RELEASE: CLASS B OFFENSES AND HIGHER – [CALEA Standard: 1.2.6]


1. Persons charged with a Class **B** or higher offense will normally be taken into custody



in accordance with Department policy and procedures.

2. Should a reason exist to not make an arrest for an offense / warrant that was committed within the City of Tyler's jurisdiction or investigated by this agency, a supervisor will be consulted to review the incident and determine whether the subject will or will not be arrested. For offenses / warrants of Class **B** or higher from another agency, the employee will make an arrest and book the person into the Smith County Jail.
  - a. If the decision is to not make an arrest, the employee will obtain enough information on the subject to aid in making a follow-up arrest within a reasonable time.
    - 1) The employee shall be responsible for completing a detailed report regarding the contact. The report will be routed back to the originating employee for additional investigation. The employee will follow-up to make certain the subject has resolved the matter or determine if the warrant has been issued and served.
    - 2) The employee will make regular attempts to contact the subject until the warrant has been served or cleared.
  - b. If the subject indicates that they wish to cooperate as an informant a supervisor shall be consulted and a decision to arrest or not arrest the subject will be made at that time. The employee shall comply with [General Order 17.200 – Organized Crime and Vice Control](#), regarding the procedures for handling informants.

Approved: 12-31-2020



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Jimmy Toler  
Chief of Police