

# SACRAMENTO POLICE DEPARTMENT

## “RAMEY” WARRANT MANUAL



RM 550.07



# SACRAMENTO POLICE DEPARTMENT

## "RAMEY" WARRANT MANUAL



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REVISED: 12-94

TO: ALL SWORN PERSONNEL

General Order 550.07 implements this manual and requires that all officers know its contents and follow its guidelines when obtaining Warrants of Arrest during tactical incidents. This policy statement is an expansion of that found in the General Order.

Obtaining a Warrant of Arrest during a tactical incident must be done as quickly as circumstances allow. The Ramey procedure is much less time consuming than the complaint procedure.

The decision to seek a "Ramey" Warrant shall be based on the need to augment officer safety, properly protect the public, or enhance a complete and thorough investigation by making an immediate arrest.

Additionally, so that this manual shall remain as contemporary, viable, and useful as possible, all officers shall report, through their chain of command to the Chief of Police, any discrepancies they may discover between the contents of this manual, current law, acceptable police procedure, or the proper protection of the safety and rights of the community.

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**CHAPTER I**

- I. **“RAMEY” WARRANT DEFINED**
- A. The “Ramey” Warrant is a probable cause Warrant of Arrest. (See People v. Ramey (1976) Cal.2d 263).
  - B. This warrant has the same authority for service as a complaint Arrest Warrant issued by the District Attorney (DA). (Either, of course, must first be signed by a magistrate.)
  - C. It can be entered into the Automated Wanted Persons System (WPS), including the local county and the state WPS, and the NCIC.
  - D. There is no statutory procedure, as yet, for these types of Arrest Warrants. The basis for a “Ramey” Warrant is case law.
  - E. Although “Ramey” Warrants are usually used in felony cases, they can also be used in misdemeanor cases.
  - F. “Ramey” Warrants are supported by an affidavit of probable cause. This affidavit, or declaration, is given to the judge to establish that probable cause exists for the arrest of the named defendant(s) on the listed charge(s).
  - G. If you are also obtaining a Search Warrant, the same affidavit can support both the “Ramey” and the Search Warrant. See Chapter IV.
- II. **ARRESTS WITH A WARRANT VERSUS ARRESTS WITHOUT A WARRANT**
- A. **THE WARRANT REQUIREMENT**
- 1. As a rule, you must have an Arrest Warrant to arrest someone inside their home. (People v. Ramey (76) Cal.3d 263.)
  - 2. “Home” or dwelling is any place the suspect resides, i.e., a tent, motel room, boat, van, etc.
  - 3. This same protection (the need for a warrant) also applies to parts of a business or office which are not open to the public. (People v. Lee (1986) 186 Cal.App.3d 743.)
  - 4. It is the intrusion into the dwelling, not the actual arrest inside, which offends the constitutional standards under People v. Ramey. When you grasp this point, then the following exceptions to the general residential warrant requirement should make sense. Remember, “a man’s house is his castle.”
- B. **EXCEPTIONS TO THE WARRANT REQUIREMENT**
- 1. Exigent Circumstances
    - a. An Arrest Warrant is not required to enter someone’s premises if exigent circumstances exist.
    - b. “Exigent circumstances” means an emergency situation requiring swift action to prevent:
      - (1) imminent danger to life; or
      - (2) serious damage to property; or
      - (3) imminent escape of a suspect; or
      - (4) the destruction of evidence.
  - 2. Consent
    - a. You may enter a premises to make a warrantless arrest if a valid consent is obtained.
    - b. If the consent to enter is found by the court to have been coerced (involuntary), your warrantless arrest will be unlawful.
  - 3. When Probable Cause Arises After Entry

If probable cause to arrest arises only after you are already lawfully inside asking questions or investigating, you may make the arrest without first leaving to obtain an Arrest Warrant.
- (Sections A and B from “The Peace Officers Legal Sourcebook”)
- C. **BENEFIT OF OBTAINING AN ARREST WARRANT**
- 1. Arrests made pursuant to an Arrest Warrant are presumed to be lawful; the burden is on the defendant to prove it was not lawful.
  - 2. If questions later arise as to whether there was probable cause to arrest, the fact that you obtained an Arrest Warrant will strengthen your case.
- D. **ADVANTAGES OF A “RAMEY” WARRANT**

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1. The advantage of this type of Arrest Warrant is that it can be issued at anytime of the day or night.
2. A "Ramey" Warrant does not start a criminal complaint; therefore, it does not have to be reviewed by the DA or filed with the clerk of the court prior to its being served.
3. Since this process has you, the officer, in direct contact with the judge, you can have a "Ramey" Warrant of arrest issued in less than an hour.
4. This type of Arrest Warrant, once issued, is just as valid as a warrant issued by a complaint.
5. The "Ramey" Warrant can be placed in the NCIC computer system using the agency case number (or any number) as the warrant number.
6. If you have a case which requires immediate action in obtaining an Arrest Warrant, get a "Ramey" Warrant.

**E. USE GUIDELINES**

1. "Ramey" Warrants, or traditional complaint Arrest Warrants obtained through the DA, need not be sought when other means to affect a warrantless arrest are available.
2. "Ramey" Warrants may be sought during tactical incidents in which an Arrest Warrant is required to ensure that entry onto private property is a lawful entry.
3. Tactical incidents defined:
  - a. Those in which officers are deployed, overtly or in a surveillance mode, at the place where the suspect is located.
  - b. Those in which officers of an outside agency are deployed in their jurisdiction on a suspect wanted by this Department.
  - c. Those where officers are conducting a fresh and active investigation and a Lieutenant or higher authority deems it a serious or significant crime.
4. "Ramey" Warrants shall not be routinely sought as an alternative to the complaint procedure without approval of a Division or Watch Commander.

**F. PENAL CODE BACKGROUND FOR ARREST WARRANTS**

1. Penal Code Section 813 authorizes a magistrate to issue an Arrest Warrant when a complaint is filed charging a public offense "...if such magistrate is satisfied from the complaint that the offense complained of has been committed and that there is reasonable ground to believe that defendant has committed it."
2. Penal Code Section 806 requires that a criminal proceeding be "...commenced by written complaint under oath subscribed by the complainant and filed with the magistrate."
  - a. Traditionally, such complaints are presented to the magistrate by the DA, based upon facts and evidence documented in reports which a law enforcement agency submitted to the DA.
  - b. In the "Ramey" Warrant method, you take the same facts and evidence directly to the magistrate.
  - c. The "complaint" is documented by the affidavit, or declaration, which is described in Chapter III.
3. However, the complaint in support of a "Ramey" Warrant does not initiate a criminal proceeding. After you arrest a suspect on a "Ramey" Warrant you must either seek a complaint from the DA's Office (as you would with an arrest without a warrant) or you must release the suspect from custody.

**CHAPTER II**

**I. ARREST WITH A "RAMEY" WARRANT**

- A. Since the "Ramey" Warrant does not initiate a criminal proceeding, you do not have to first record it with the clerk of the court before the arrest.
- B. Once the "Ramey" Warrant is signed, it can be served.
- C. As with a complaint Arrest Warrant, the "Ramey" Warrant itself does not have to be at the scene of the arrest. When the judge signs the warrant, you can radio ahead to officers standing by.

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- D. Once the suspect is arrested, you can book the suspect on the “Ramey” Warrant or, release the suspect in accordance with PC 849b.
- E. CERTIFICATE OF SERVICE (SPD 931)
  - 1. You must complete a Certificate of Service for any arrest made pursuant to a “Ramey” Warrant.
  - 2. This applies whether you:
    - a. arrest and release,
    - b. arrest, book and release, or
    - c. arrest and book.
  - 3. The SPD 931 will be sent to the court.

See sample Certificate of Service on pages \_\_\_ and \_\_\_\_ - one blank and one completed.

F. BOOKING A SUSPECT WITH A “RAMEY” WARRANT

- 1. Book the suspect with the original “Ramey” Warrant.
- 2. The original affidavit form, known as the Complaint Declaration (including attachments), and the SPD 931 will be filed by the DA with the clerk of the court in which the criminal complaint will be sought.
- 3. Make a copy of the “Ramey” Warrant to route to the DA’s Office with your request for a criminal complaint. This request is the package of police reports normally submitted following a warrantless arrest.

The Complaint Declaration and its four types of attachments will be explained in Chapter III.

The procedures following in Section II are generally the responsibilities of Detectives, but must be known and understood by all officers who obtain a “Ramey” Warrant.

II. PROCEDURES FOLLOWING THE ARREST/BOOKING

- A. For purposes of a criminal proceeding, you should treat this type of arrest as an arrest without a warrant.
- B. Following the arrest, submit the police report package to the DA’s Office for a criminal complaint to be issued. At this time, submit:
  - 1. a copy of the “Ramey” Warrant,
  - 2. the original Complaint Declaration (with attachments),
  - 3. and the original SPD 931.
- C. Once the DA has issued the complaint, the DA will submit the complaint package, the original Complaint Declaration (with attachments) and the SPD 931 to the clerk of the court.
- D. If you have completed an oral or telephonic affidavit:
  - 1. make two copies of the tape recording:
    - a. one for the DA and
    - b. one for your file
  - 2. Forward the original tape and the DA’s copy to the DA with the police report package and the Complaint Declaration and SPD 931.
  - 3. The original tape is submitted along with the Complaint Declaration form to the clerk of the court.
  - 4. This procedure is similar to the Search Warrant format; however, you will not have the tape transcribed.
- E. If a criminal complaint request is rejected by the DA:
  - 1. the defendant will be released from custody in accordance with the statutory requirements for a warrantless arrest (P.C. 849b).
  - 2. the DA will submit the original “Ramey” Warrant, Complaint Declaration, and SPD 931 to the clerk of the court in which a criminal complaint would have been sought.
- F. If, after the arrest and/or booking, you determine that the arrestee must be released in accordance with PC 849b:
  - 1. the original “Ramey” Warrant, Complaint Declaration, and SPD 931 must be submitted to the clerk of the court in which a criminal complaint would have been sought.
    - a. Determine which court that would have been.
    - b. Hand carry the documents the next court day.
  - 2. Such a release is authorized on the face of the “Ramey” Warrant.

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**CHAPTER III**

- I. **PREPARING THE “RAMEY” WARRANT FORM (SPD 925)**
- A. The “Ramey” Warrant must be in writing. You may complete the form in handwriting (in ink) or type it.
  - B. You complete the top and bottom sections of the form.
    - 1. List your case number (or an appropriate number) in the “WARRANT NO.” blank on the form.
    - 2. List the charges by section number and name, (e.g., P.C. 245(a)(2): Assault with a deadly weapon/firearm).
    - 3. List the date or range of dates during which the offense(s) occurred.
    - 4. Complete all known information in the description section.
      - a. This is very important when you are requesting a “John Doe” warrant. If the name of the defendant(s) is unknown, you may list the defendant(s) on the warrant by any name (P.C. 815).
      - b. If the warrant is for a “John Doe” inside a specific residence, write, e.g., “inside the residence at 800 Sixth Street, #1, Sacramento, CA.” in the “Other Information” section at the bottom of the warrant.
  - C. The judge will sign the warrant and set the bail.
  - D. **COMPLETE A “RAMEY” WARRANT FOR EACH DEFENDANT.**
- See sample “Ramey” Warrant forms on the next pages – one blank and one completed.
- II. **THE COMPLAINT DECLARATION IN SUPPORT OF A “RAMEY” WARRANT (SPD 928)**
- A. The Probable Cause Complaint Declaration in Support of Arrest Warrant form (hereafter referred to as the Complaint Declaration or SPD 928), is:
    - 1. your declaration, or affidavit,
    - 2. signed under penalty of perjury,
    - 3. which, along with the attachments,
      - a. establishes probable cause for the “Ramey” Warrant, and
      - b. justifies night service of misdemeanor “Ramey” Warrants.
  - B. You can use any one of the four types of declaration attachments, or any combination of the four;
    - 1. Written Statements,
    - 2. Existing Law Enforcement Reports,
    - 3. Oral Affidavit and/or
    - 4. Telephonic Affidavit.
  - C. The SPD 928, declaration attachments, and the “Ramey” Warrant form will have to be presented, in person, to a judge.
    - 1. During court hours, you may contact any available judge.
    - 2. After hours and weekends, call the County Operator, who will connect you with the judge assigned to on-call magistrate duty.
    - 3. If the duty judge is not available, you can then contact another judge. The County Operator will assist you.
  - D. Review the next sections (E through H) to determine which of the four types of declaration attachment to use, keeping in mind that the completed SPD 928 **MUST**:
    - 1. establish probable cause for the arrest of all the named defendants.
    - 2. justify night service for misdemeanor warrants.
    - 3. include any information regarding the defendant’s possible innocence.
  - E. **WRITTEN STATEMENT – SUPPORTING THE “RAMEY” WARRANT**
    - 1. This statement may be typed or clearly handwritten (in ink). It should set forth your probable cause for the issuance of the “Ramey” Warrant. The statement should begin with wording similar to:  
‘The following is my statement of facts in support of this “Ramey” Warrant of arrest.’
    - 2. The statement is then attached to the SPD 928 as your declaration in support of the “Ramey” Warrant.
    - 3. Give the judge the completed SPD 925, the SPD 928, and the attached written statement to read.
      - a. If the judge orders you to make changes, do so in ink.

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- b. Be sure to initial all changes.
4. Upon finding that there is probable cause for the warrant to be issued, the judge will sign the warrant and set the bail.

An example of a Written Statement attachment appears below. It would typically be prepared on a Supplementary Investigation Report (SPD 105).

See sample SPD 928– one blank and one completed.

The following is my statement of facts in support of this “Ramey” Warrant of arrest.

0112 07-12-90. I contacted victim Jane Marie JOHNSON, FW 43 DOB: 09-01-46, at the residence of her sister, witness Barbara Jane SMITH, FW 46 DOB: 04-11-44. SMITH’s residence is 2701 FRONT ST, SACRAMENTO, CA 95818.

Victim JOHNSON told me that at approx. 2330 07-11-90, she and her common-law husband, suspect Robert Ralph JONES, MW 44 DOB: 10-10-46, got into an argument at their residence at 800 6<sup>th</sup> ST, #2, SACRAMENTO, CA. 95814, and that as a result, she left and went to SMITH’s residence.

Both victim JOHNSON and witness SMITH told me that suspect JONES arrived at the SMITH residence at approx. 0100 07-12-90 and was extremely agitated and profane. Both told me that JONES insisted that JOHNSON return to 800 6<sup>th</sup> ST and that when JOHNSON refused, JONES punched JOHNSON in the face with his closed fist. Both told me that when JOHNSON went down from the punch, JONES grabbed a fireplace poker and swung it at JOHNSON. They stated that JOHNSON raised her arms in defense and JONES thus struck JOHNSON in the left forearm with the poker.

JOHNSON and SMITH stated that SMITH then grabbed JONES and talked him out of further attack. They stated JONES dropped the poker and left.

I observed victim JOHNSON to have been bleeding from the nose and to have sustained an open cut on her left forearm. She was treated by the Sacramento Fire Dept. and transported to Sutter General Hospital by Superior Ambulance. The ambulance crew stated JOHNSON’s left arm was apparently broken.

0148 07-12-90. Assisted by Officers George GREEN and Robert REDD, I contacted suspect JONES at his residence, 800 6<sup>th</sup> ST. #2. Suspect JONES refused to exit or allow officers to enter. Suspect JONES stated, “No, you ain’t coming in here without a warrant.”

Officers GREEN and REDD remain at the residence of suspect JONES at this time.

I am seeking an arrest warrant for Robert JONES for 1) 273.5 PC/Corporal Injury on Spouse or Cohabitant and 2) 245(a)(1) PC/AWDW-Non-firearm.

OFF. J. J. BROWN # 0999                      DIV 01                      0225                      07-12-90

F. EXISTING LAW ENFORCEMENT REPORTS – SUPPORTING THE “RAMEY” WARRANT

1. If your police reports are already completed, simply attach copies of them to the SPD 928 as your declaration in support of the warrant.
2. If these reports alone do not establish probable cause to arrest, you may supplement them with a written statement. (See section E above)
3. You may simply expand partially completed police reports with a summary narrative on a Supplementary Investigation Report (SPD 105).
4. Edit your reports to include only those pages which establish probable cause to arrest. The judge has to read all attached reports, so do not include copies of property booking pages, stored vehicle pages and so on unless they are necessary. Remember, a handwritten narrative summary alone is sufficient.

When the entire police report is later submitted to the DA, (after the arrest), it will be duplicative of the edited version you attach to the SPD 928.

5. You must, however, include any report(s) which have information regarding the defendant’s possible innocence.
6. The report copies are then attached to the SPD 928 as your declaration in support of the SPD 925.
7. Give the judge the completed SPD 925, the SPD 928, and the attached report copies to read.
  - a. If the judge orders you to make changes, do so in ink.

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- b. Be sure to initial all changes.
  8. Upon finding that there is probable cause for the warrant to be issued, the judge will sign the warrant and set the bail.
- G. **ORAL AFFIDAVIT - SUPPORTING THE "RAMEY" WARRANTS**
1. As in sections E and F, this type of affidavit requires that you meet in person with the judge.
  2. The oral affidavit must be tape recorded (or recorded by a certified court reporter).
  3. You should be prepared to tell the judge of your probable cause in a clear and orderly manner. MAKE AN OUTLINE which briefly sets forth your facts establishing probable cause for the issuance of the Arrest Warrant. Making an outline will help you to relate ALL the facts and evidence necessary.
  4. The tape recorded affidavit or the transcript by a certified court reporter, along with complaint Declaration form, is your declaration in support of the “Ramey” Warrant.
  5. Upon finding that there is probable cause for the warrant to be issued, the judge will sign the warrant and set the bail.

On the next pages you will find a tape recording guideline and its condensed version.

**STEPS FOR RECORDING – ORAL AFFIDAVIT “RAMEY” WARRANT**

1. CHECK TO BE SURE YOUR RECORDER IS WORKING CORRECTLY
2. TURN THE TAPE RECORDER ON
3. IDENTIFY YOURSELF (NAME/RANK/AGENCY)
4. STATE THE DATE AND TIME
5. ASK THE JUDGE TO IDENTIFY HIMSELF/HERSELF (NAME/COURT)
6. ASK THE JUDGE TO SWEAR YOU IN  
JUDGE: "You do solemnly swear that the evidence which you shall give in support of this Arrest Warrant is the truth, the whole truth and nothing but the truth, so help you God?"  
OFFICER: "I do."
7. ASK THE JUDGE IF THE "RAMEY" WARRANT AND COMPLAINT FORMS ARE PROPERLY COMPLETED  
OFFICER: "Your Honor, do you find the Arrest Warrant and the Complaint Declaration to be properly completed?"  
JUDGE: "I do."  
If not, correct the forms in ink, as directed by the judge. Be sure to initial all changes.
8. STATE YOUR AFFIDAVIT IN NARRATIVE FORM  
"The following statement is my affidavit in support of this "Ramey" Warrant of arrest."  
Tell the judge your probable cause in narrative form in the first person. Example:  
"I talked to the victim, Mr. Jones, who told me..."
9. THE JUDGE CAN ASK QUESTIONS AS YOU ARE TALKING  
If the judge wants information you don't have (i.e., DMV information) state the date and time that you are turning off the tape recorder to get the information requested.  
When you have the requested information, turn on the tape recorder, and state the date and time.  
The judge should state that you are still under oath; then continue with your affidavit.
10. WHEN THE AFFIDAVIT IS COMPLETED, ASK IF THE JUDGE FINDS THERE IS PROBABLE CAUSE FOR THE ARREST WARRANT TO BE ISSUED  
"Your Honor, do you find that there is probable cause for this Arrest Warrant to be issued?"
11. IF SO, THE JUDGE SHOULD NOW SIGN THE "RAMEY WARRANT AND SET THE BAIL AMOUNT
12. TURN OFF THE RECORDER - YOU BOOK THE TAPE RECORDING



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**\*\*QUICK REFERENCE – ORAL AFFIDAVIT\*\***

(Condensed)

1. BE SURE YOUR RECORDER IS WORKING
2. TURN TAPE RECORDER ON
3. I.D. SELF (NAME/RANK/AGENCY)
4. STATE DATE AND TIME
5. ASK JUDGE TO I.D. SELF
6. ASK JUDGE TO SWEAR YOU IN
7. ASK JUDGE IF FORMS PROPER
8. STATE AFFIDAVIT IN NARRATIVE
9. JUDGE CAN ASK QUESTIONS
10. WHEN FINISHED, ASK JUDGE IF P.C. FOR ARREST WARRANT
11. IF SO, JUDGE SHOULD SIGN WARRANT AND SET BAIL
12. TURN OFF RECORDER, YOU BOOK THE TAPE

H. TELEPHONIC AFFIDAVIT - SUPPORTING THE "RAMEY" WARRANT

1. This is simply an oral affidavit accomplished over the telephone.
2. The telephonic affidavit must be tape recorded. A suction cup microphone or speakerphone may be used.
3. Although the affidavit is over the telephone, the judge must sign the warrant PRIOR to its being served.
4. The advantage to this method is that another officer can be enroute to the judge's location to deliver the completed SPD 925 and the completed SPD 928 while you are providing the affidavit.
5. If that is occurring, before you start tape recording, you must have a copy of both:
  - a. the completed SPD 925 (bearing your name) and
  - b. the completed and signed (by you) SPD 928.
6. The disadvantage to this method is that two (2) officers are required.
7. You should be prepared to tell the judge your probable cause in a clear and orderly manner. MAKE AN OUTLINE.
8. The tape recorded affidavit, along with the SPD 928, is your declaration in support of the "Ramey" Warrant.
9. Upon finding that there is probable cause for the warrant to be issued, the judge will sign the warrant and set the bail.

On the next pages you will find a tape recording guide and its condensed version.

**STEPS FOR RECORDING - TELEPHONIC AFFIDAVIT “RAMEY” WARRANT**

CALL JUDGE TO CONFIRM AVAILABILITY, DO NOT DISCUSS CASE, HANG UP, CALL BACK AT  
STEP #2

1. CHECK TO BE SURE YOUR RECORDER IS WORKING CORRECTLY
2. TURN THE TAPE RECORDER ON, CALL THE JUDGE
3. IDENTIFY YOURSELF (NAME, RANK AND AGENCY)
4. TELL THE JUDGE YOU ARE CALLING FOR A “RAMEY” WARRANT OF ARREST AND THE CONVERSATION IS BEING RECORDED
5. STATE THE DATE AND TIME
6. ASK THE JUDGE TO IDENTIFY HIMSELF/HERSELF (NAME AND COURT)
7. ASK THE JUDGE TO SWEAR YOU IN  
JUDGE: "You do solemnly swear that the evidence which you give in support of this Arrest Warrant shall be the truth, the whole truth and nothing but the truth so help you God?"  
OFFICER: "I do."
8. USING THE "RAMEY" WARRANT AND COMPLAINT FORMS:  
Read the entire SPD 925. You do not have to read the sections which you are not using, i.e., in the description section, only read the headings and information you have filled in.  
Now repeat the same procedure for the SPD 928.

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9. ASK THE JUDGE IF THE "RAMEY" WARRANT AND COMPLAINT FORMS ARE PROPERLY COMPLETED  
OFFICER: "Your Honor, do you find the Arrest Warrant and the Complaint Declaration to be properly completed?"  
JUDGE: "I do." If not, correct the forms in ink, as directed by the judge. Be sure to initial all changes.
10. STATE YOUR AFFIDAVIT IN NARRATIVE FORM  
"The following statement is my affidavit in support of this "Ramey" Warrant of arrest."  
Tell the Judge your probable cause in a narrative form. Speak in the first person.
11. THE JUDGE CAN ASK QUESTIONS AS YOU ARE TALKING  
If the judge wants information you don't have, (i.e., DMV information) state the date and time that you are turning off the tape recorder to get the information requested.  
If you also hang up while getting the information, say so on the tape.  
When you have the requested information, turn on the tape recorder. State the date and time and whether you are calling back.  
The judge should state that you are still under oath, then continue with your affidavit.
12. WHEN YOU COMPLETE YOUR AFFIDAVIT, ASK IF THE JUDGE FINDS THERE IS PROBABLE CAUSE FOR THE ARREST WARRANT TO BE ISSUED  
"Your Honor, do you find that there is probable cause for this Arrest Warrant to be issued?"
13. IF SO, ADVISE THE JUDGE THAT THE "RAMEY" WARRANT AND COMPLAINT DECLARATION FORM (SIGNED BY YOU) ARE BEING DELIVERED FOR THE JUDGE'S SIGNATURE
14. TURN OFF THE RECORDER - YOU BOOK THE TAPE

**\*\*QUICK REFERENCE – TELEPHONIC AFFIDAVIT\*\***

(Condensed)

CALL JUDGE TO CONFIRM AVAILABILITY. DO NOT DISCUSS CASE. HANG UP.

1. BE SURE YOUR RECORDER IS WORKING
2. TURN TAPE RECORDER ON: CALL JUDGE
3. I.D. SELF (NAME-RANK-AGENCY)
4. STATE CALL IS BEING RECORDED
5. STATE DATE AND TIME
6. ASK JUDGE TO I.D. SELF
7. ASK JUDGE TO SWEAR YOU IN
8. USING FORMS: READ THE ENTIRE FORM(S)
9. ASK JUDGE IF FORMS PROPER
10. STATE AFFIDAVIT IN NARRATIVE
11. JUDGE CAN ASK QUESTIONS
12. WHEN FINISHED-ASK JUDGE IF P.C. FOR ARREST WARRANT
13. IF SO, TELL JUDGE FORMS ARE BEING DELIVERED FOR SIGNATURE AND BAIL SETTING
14. TURN OFF RECORDER. YOU BOOK THE TAPE

**CHAPTER IV**

**COMBINING WITH SEARCH WARRANTS**

- A. Search Warrant may be required for you to lawfully seize evidence. A Search Warrant may also be required for you to serve an Arrest Warrant, such as when the suspect named in the Arrest Warrant is located in a third party's residence and the third party will not consent to your entry (United States vs. Stegald, 451 US 204.).
- B. This manual is not meant to instruct you in how to obtain a Search Warrant. The procedures for obtaining a Search Warrant are set out in statute.

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- C. However, if you are trained in how to obtain a Search Warrant, you may incorporate that knowledge with the procedures provided in this manual to obtain both a “Ramey” Warrant and a Search Warrant.
- D. When obtaining both a "Ramey" Warrant and a Search Warrant, complete the Search Warrant first. The affidavit attached to the Search Warrant becomes your attachment in support of the Complaint Declaration, (SPD 928).
- E. The affidavit must be complete enough to establish probable cause for both the arrest and the search. If night service is anticipated, it must also be complete enough to justify night service for the Search Warrant and for a misdemeanor “Ramey” Warrant.
- F. The type of Search Warrant affidavit (written statement, existing police reports, oral or telephonic) you have used will determine which affidavit checkbox you will use on the SPD 928 for the “Ramey” Warrant.
- G. Inform the judge you are requesting a "Ramey" Warrant of arrest and a Search Warrant based on the same affidavit.
  - 1. Present all of the completed forms to the judge at the same time.
  - 2. The judge will review all the forms for completeness and read (or hear) the affidavit to determine if probable cause exists to issue all or some of the warrants.
- H. Upon finding that there is probable cause for the warrant(s) to be issued, the judge will sign them and set the bail on the “Ramey” Warrant.

COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

ARREST WARRANT
("RAMEY" WARRANT)

WARRANT NO: (Case Number)

THE PEOPLE OF THE STATE OF CALIFORNIA, TO ANY PEACE OFFICER:

Proof by declaration under penalty of perjury having been made this day to me by: (Title of Officer)

I find there is probable cause to believe that the crime(s) of: (Name of Officer)

Felony Misdemeanor

were committed on or about (Date(s) of Listed Offense(s)) by (Name of Defendant)

THEREFORE, YOU ARE COMMANDED TO ARREST: (Name of Defendant)

and to bring said defendant before any magistrate in Sacramento County in a manner consistent with Penal Code Sections 821, 825, 826, and 848. In lieu of bringing said defendant before a magistrate, you may release said defendant from custody, prior to the time limitations of Penal Code Section 825, without bail and without further appearance before a magistrate, in a manner consistent with Penal Code Section 849(b).

Defendant is to be admitted to bail in the amount of (Set by Judge)

Time issued: (a.m./p.m.) Dated: (Print Name of Judge)

by (Signature of the Judge) Judge of the Court

(MISDEMEANORS) GOOD CAUSE HAVING BEEN SHOWN by affidavit, this warrant may be served at anytime of day or night, as approved by my initials:

DESCRIPTION OF DEFENDANT

Sex Race Age/DOB Height Weight Hair Eyes

Scars/Marks/Tattoos

DL# SPD# SSD# XREF#

SS# Residence Address

City State Zip Vehicle: Year Make

Model Color Lic # State

Other information:

(The complaint underlying this warrant of arrest does not initiate a criminal proceeding. See People v. Ramey (1976) 16 Cal.3d 263 and People v. Sesslin (1968) Cal.2d 418,k 425-427, fn.6.)

**COUNTY OF SACRAMENTO, STATE OF CALIFORNIA**

**ARREST WARRANT**

("RAMEY" WARRANT)

WARRANT NO: 90-12345

(Case Number)

THE PEOPLE OF THE STATE OF CALIFORNIA,

TO ANY PEACE OFFICER:

Proof by declaration under penalty of perjury having been made this day to me by:

Officer J.J. Brown #0999 I find there is probable cause to believe

(Title of Officer) (Name of Officer)

that the crime(s) of: 273.5 PC/Corporal injury on spouse or cohabitant 245(a)(1)

PC/AWDW-Non-firearm (X) Felony ( ) Misdemeanor

were committed on or about 07-12-90 by Robert Ralph Jones

(Date(s) of Listed Offense(s)) (Name of Defendant)

THEREFORE, YOU ARE COMMANDED TO ARREST: Robert Ralph Jones

(Name of Defendant)

and to bring said defendant before any magistrate in Sacramento County in a manner consistent with Penal Code Sections 821, 825, 826, and 848. In lieu of bringing said defendant before a magistrate, you may release said defendant from custody, prior to the time limitations of Penal Code Section 825, without bail and without further appearance before a magistrate, in a manner consistent with Penal Code Section 849(b).

Defendant is to be admitted to bail in the amount of \_\_\_\_\_

(Set by Judge)

Time issued: \_\_\_\_:\_\_\_\_ (a.m./p.m.) Dated: \_\_\_\_/\_\_\_\_/\_\_\_\_

(Print Name of Judge)

by \_\_\_\_\_ Judge of the \_\_\_\_\_ Court

(Signature of the Judge)

(MISDEMEANORS) GOOD CAUSE HAVING BEEN SHOWN by affidavit, this warrant may be served at anytime of day or night, as approved by my initials:

**DESCRIPTION OF DEFENDANT**

Sex M Race W Age/DOB 44 10-10-46 Height \_\_\_\_\_ Weight \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_

Scars/Marks/Tattoos \_\_\_\_\_

DL# \_\_\_\_\_ SPD# \_\_\_\_\_ SSD# \_\_\_\_\_ XREF# \_\_\_\_\_

SS# \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Residence Address 800 6<sup>th</sup> Street #2

City Sacramento State CA Zip 95814 Vehicle: Year \_\_\_\_\_ Make \_\_\_\_\_

Model \_\_\_\_\_ Color \_\_\_\_\_ Lic # \_\_\_\_\_ State \_\_\_\_\_

Other information: \_\_\_\_\_

(The complaint underlying this warrant of arrest does not initiate a criminal proceeding. See People v. Ramey (1976) 16 Cal.3d 263 and People v. Sesslin (1968) Cal.2d 418,k 425-427, fn.6.)

**PROBABLE CAUSE COMPLAINT DECLARATION  
IN SUPPORT OF  
ARREST WARRANT  
("RAMEY" WARRANT)**

I, \_\_\_\_\_, declare under penalty of perjury: I am employed as a  
(Name of Officer)  
\_\_\_\_\_ by the Sacramento Police Department. I have probable cause to arrest  
(Rank)  
\_\_\_\_\_ for the following crime(s):            Felony            Misdemeanor  
(Name of Defendant(s))

(CHECK THE APPROPRIATE STATEMENT(S) AND PROVIDE ATTACHMENT IF REQUIRED)

Attached to this declaration and incorporated by reference is a written statement of facts which I have prepared. The facts set forth in this written statement are true, based upon my information and belief, except for those facts which are set forth as my own observations, which I know to be true based upon personal knowledge.

Incorporated by reference is a Search Warrant Affidavit.

Attached to this declaration and incorporated by reference are police reports, which are official records of the Sacramento Police Department. I have personally reviewed each of these written reports. The facts set forth in these offense reports are true, based upon my information and belief, except for those facts which are set forth as my own observations, which I know to be true based upon personal knowledge.

Incorporated by reference is a Search Warrant Affidavit.

Incorporated in this declaration by reference is my

oral affidavit     telephonic affidavit

to the Honorable \_\_\_\_\_ at \_\_\_\_:\_\_\_\_ [a.m./p.m.] on \_\_\_\_/\_\_\_\_/\_\_\_\_.

This affidavit was recorded and the original tape recording or the certified court reporter's transcript will be filed with the Clerk of the \_\_\_\_\_ Court.

This same oral/telephonic affidavit was also given in support of a search warrant. As such, the original tape recording will be filed with the search warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at \_\_\_\_\_, California, on \_\_\_\_/\_\_\_\_/\_\_\_\_.

\_\_\_\_\_  
(Signature of Officer)

\_\_\_\_\_  
(Print Name of Officer)

COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

**PROBABLE CAUSE COMPLAINT DECLARATION  
IN SUPPORT OF  
ARREST WARRANT  
("RAMEY" WARRANT)**

I, Officer J.J. Brown #0999, declare under penalty of perjury: I am employed  
(Name of Officer)  
as a Police Officer by the Sacramento Police Department. I have probable cause to arrest  
(Rank)

Robert Ralph Jones for the following crime(s): 273.5 PC/Corporal Injury on  
(Name of Defendant(s))  
spouse or cohabitant 245(a)(1) PC/AWDW – Non-firearm ( X ) Felony ( ) Misdemeanor

(CHECK THE APPROPRIATE STATEMENT(S) AND PROVIDE ATTACHMENT IF REQUIRED)

(X) Attached to this declaration and incorporated by reference is a written statement of facts which I have prepared. The facts set forth in this written statement are true, based upon my information and belief, except for those facts which are set forth as my own observations, which I know to be true based upon personal knowledge.

( ) Incorporated by reference is a Search Warrant Affidavit.

( ) Attached to this declaration and incorporated by reference are police reports, which are official records of the Sacramento Police Department. I have personally reviewed each of these written reports. The facts set forth in these offense reports are true, based upon my information and belief, except for those facts which are set forth as my own observations, which I know to be true based upon personal knowledge.

( ) Incorporated by reference is a Search Warrant Affidavit.

( ) Incorporated in this declaration by reference is my

( ) oral affidavit ( ) telephonic affidavit  
to the Honorable \_\_\_\_\_ at \_\_\_\_\_:\_\_\_\_ [a.m./p.m.] on \_\_\_\_/\_\_\_\_/\_\_\_\_.

( ) This affidavit was recorded and the original tape recording or the certified court reporter's transcript will be filed with the Clerk of the \_\_\_\_\_ Court.

This same oral/telephonic affidavit was also given in support of a search warrant. As such, the original tape recording will be filed with the search warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on 07 / 12 / 90.

\_\_\_\_\_  
(Signature of Officer)

J.J. Brown  
\_\_\_\_\_  
(Print Name of Officer)

COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

**CERTIFICATE OF SERVICE  
OF  
"RAMEY" ARREST WARRANT**

COMPLETED BY ARRESTING OFFICER:

Date of Service: \_\_\_\_\_ Time of Service: \_\_\_\_\_ : \_\_\_\_\_ (a.m./p.m.)

Arresting Officer: \_\_\_\_\_  
(Name and ID #)

Location of Arrest: \_\_\_\_\_

Name of Defendant Arrested: \_\_\_\_\_

I, \_\_\_\_\_ (print) certify that I am a peace officer employed by the Sacramento Police Department and that I received the within warrant and that I served or caused to be served the same by arresting the above named defendant at the date, time, and location listed above, and:

The defendant was booked into the \_\_\_\_\_ Jail on \_\_\_\_\_ in the County of \_\_\_\_\_.

The defendant was released from custody pursuant to the authorization listed on the "Ramey" Warrant of arrest. The release was based on my belief that at this time the facts and information gained as a result of the arrest of the defendant no longer support a custodial booking.

\_\_\_\_\_  
(Signature of Officer) (Date)



COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

**CERTIFICATE OF SERVICE  
OF  
"RAMEY" ARREST WARRANT**

COMPLETED BY ARRESTING OFFICER:

Date of Service: 07/12/90 Time of Service: 03:45 (a.m./p.m.)

Arresting Officer: J.J. Brown #0999  
(Name and ID #)

Location of Arrest: 800 6<sup>th</sup> St. #2, Sacramento, CA. 95814

Name of Defendant Arrested: Robert Ralph Jones

I, J. J. Brown (print) certify that I am a peace officer employed by the Sacramento Police Department and that I received the within warrant and that I served or caused to be served the same by arresting the above named defendant at the date, time, and location listed above, and:

(X) The defendant was booked into the Main Jail  
on 07/12/90 in the County of Sacramento.

( ) The defendant was released from custody pursuant to the authorization listed on the "Ramey" Warrant of arrest. The release was based on my belief that at this time the facts and information gained as a result of the arrest of the defendant no longer support a custodial booking.

\_\_\_\_\_  
(Signature of Officer)                      07/12/90  
(Date)