



ATTORNEYS ▪ LLP

555 CAPITOL MALL
10TH FLOOR
SACRAMENTO, CA 95814-4686
TELEPHONE: (916) 441-0131
FAX: (916) 441-4021

MELISSA A. THORME

mthorme@dbsr.com
(916) 441-0131 X 6376

MEMORANDUM

VIA EMAIL

TO: TRI-TAC WATER COMMITTEE
FROM: MELISSA A. THORME
DATE: MARCH 18, 2003
RE: **SEARCH WARRANT PROCEDURES**

Given recent events, please find the following procedures to undertake when and if a search warrant is served on your facility:

Basic Search Warrant To Do List:

1. Demand to see Agency credentials - record the names, agencies, and contact information for all people serving and executing the warrant (business cards are best if you can get them);
2. Obtain a copy of the search warrant and the supporting affidavit;
3. Request a delay in execution of the search warrant until counsel can be present to review the search warrant and affidavit, and to observe its execution (note that this will probably be denied and they are able to proceed if denied);
4. Call the in-house or outside counsel designated to handle environmental enforcement actions - get them a copy of the search warrant and affidavit as soon as possible;
5. Attempt to send employees home for the duration of the search - advise employees of their right not to be interviewed, but do not instruct them to refuse interviews - this could result in an obstruction of justice charge. Advise employees that if they choose to be interviewed, the company/district/city will provide them with an attorney at no cost to them - and that the attorney will represent their interests, not the company/district/city's;
6. Monitor and record the search in progress with cameras and/or videotape (have these on site at the plant), or at least contemporaneous notes, without obstructing the search - this will help determine if the authorized scope of the search was exceeded; and
7. Get a receipt for all property seized during the search (They are required by law to furnish a receipt upon request).