TOLEDO FIRE & RESCUE DEPARTMENT

B-71 Administrative Search Warrant

Non-Emergency Manual

Date Revised: 04/20/2023

Last Modified: 08/29/2024 13:30

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Purpose

When Fire Department right of entry into any structure, building, premises, vehicles or other locations is denied by the owner, responsible person, and an authorized agent, the Fire Code Official has recourse to every remedy provided by the law to secure entry, including obtaining a warrant.

Definitions

Right of Entry - The fire code official shall have the authority to enter all buildings or vehicles or upon all premises, which are within that official's jurisdiction, at all reasonable hours to conduct an examination, inspect, or investigate or to perform the duties imposed upon the official.

Unsafe Conditions - Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

Policy/Procedure

An administrative search warrant shall be acquired when the fire official is refused entry or unable to contact responsible party and further legal action may be required against the owner, responsible person, or authorized agent. When governmental inspections of property are authorized or required by law.

If such building or premises is occupied, the official shall present credentials to the occupant and request entry.

If such building or premise is unoccupied, the official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge of the building or premise and request entry.

SITUATIONS IN WHICH A WARRANT MAY BE OBTAINED:

- **POTENTIAL CODE RED VACANT COMMERCIAL BUILDINGS:** If the building is secured or unsecured and may require further legal action against the owner.
- **POTENTIAL CODE RED ABANDONED COMMERCIAL BUILDINGS:** If the building is secured or unsecured and may require further legal action against the owner.
- **UNSAFE CONDITIONS:** If the building is secured or unsecured and may require further legal action against the owner.
- **FIRE SAFETY INSPECTIONS:** Right of Entry is denied.

Execution of search warrants by the Toledo Fire & Rescue Department:

The Fire Prevention Bureau Supervisor charged with the execution of any search warrant on an occupied structure shall be accompanied only by other divisions of police officers, or employees of the department of public safety, as may be reasonably necessary for the successful execution of the warrant with all practicable safety.

1. FPB will place a yellow tag on the front door of a property to request an inspection. If no response at a minimum of three days, then step 2.

2. FPB Supervisor will mail a Right of Entry notice to aforementioned person. If no response at a minimum of 5 days, then step 4.

3. Steps 1 and 2 response time shall only be shortened under discretion of the FPB Deputy Chief due to extenuating circumstances.

4. Request a proper inspection warrant.

5. Inform Operations of request for inspection warrant with a situation report to include the following:

- Situation
- Operation, who, what, where, when, why
- Execution
- Service Support
- Command
    - FPB Supervisor
    - District Battalion Chief
    - Police Liaison

Known or Suspected Occupied Structures police required:

1. Send a request or service notice and threat assessment at least 2 days in advance of operation to

Toledo SWAT

- Complete the SWAT threat assessment for warrant service
- SWAT Breech and Clearing team
- SWAT perimeter security

2. Execute warrants at or after 1pm Tuesday-Thursday

3. Email to Lieutenant of Community Service Section

4. Email to SWAT Liaison to FPB

5. Buildings considered as part of Task Force

6. Code Enforcement considered as part of Task Force

7. Environmental Services considered as part of Task Force

8. Street, Bridges and Harbor considered as part of scene safety

9. Any other agency or entity deemed necessary by Deputy Chief or Supervisor of FPB

Vacant & Abandoned Structures:

1. TPD considered for Breech Team

2. TPD required for Security

3. SWAT considered for Breech & Security Team

4. Buildings considered as part of Task Force

5. Code Enforcement considered as part of Task Force

6. Environmental Services considered as part of Task Force

7. Street, Bridges and Harbor considered as part of scene safety

8. Any other agency or entity deemed necessary by Deputy Chief or Supervisor of FPB

See Also:

Permanent link:
https://www.tfrdpolicies.com/dokuwiki/doku.php?id=b_manual:b71

Last update: **08/29/2024 13:30**