



Search Warrants

.01 Policy

It is the policy of the Bladensburg Police Department to: (1) define procedures to ensure that a valid search warrant is obtained; (2) conduct thorough and legal searches as ordered by such warrants; (3) observe the constitutional rights of people affected by the execution of search warrants; and (4) provide for the safety for all persons present for and during the execution of the warrant.

.02 Terms

Emergency: For the purpose of this general order, an emergency is a situation that poses potential for eminent loss of life or other similar circumstance.

Search Warrant Supervisor: For the purpose of this general order, a search warrant supervisor is defined as the immediate supervisor of any member who applies for and obtains a search warrant.

Search Team: For the purpose of this general order, a search team is defined as a group of sworn department members assigned by the search warrant supervisor to carefully and systematically search premises after the reading of a search warrant. Search team members may be assigned as perimeter units while the premise is secured by the tactical entry team.

Tactical Entry Team: For the purpose of this general order, a tactical entry team is defined as a group of tactical officers assigned to an allied department's tactical team, whose function is to secure an area for the purpose of executing a search warrant.

.03 Governing Legislation and Reference

Governing Legislation:

U.S. Const. amend. IV.

Maryland Code, Criminal Procedures Article, §1-203(a).

Forms:

Damage Notification Form (Form 683).

Search Warrant Application (Form 6731).

Search Warrant (Form 6732).

Search Warrant Application [No Knock] (Form 6733).

Search Warrant [No Knock] (Form 6734).

Search Warrant Return Form 6735).

Reference:

General Order 322, Forced Entry & Notifications.

General Order 329, Warrants and Raids.

General Order 400, Criminal Investigations.

.04 Procedure

A. Application for Search Warrant

Investigators assigned to the Criminal Investigations Division (CID) may with supervisory approval, apply for a search warrant during the course of an official investigation, after having developed probable cause.

Sworn members other than CID investigators who during the course of an official investigation develop sufficient probable cause may apply for a search warrant after meeting the following requirements:

- The member must obtain approval from their immediate supervisor; and,
- To avoid deconfliction of operations, the member's supervisor must notify CID of the intention to apply for a search warrant, and obtain approval.

Electronic Search Warrants

BACKGROUND: House Bill 1109 was enacted by the Maryland legislature and will take effect on October 2, 2014. The intent of the bill was to provide a more expeditious method of handling search warrant reviews after hours, or in dire emergency settings.

Normal Working Hours

An application for a search warrant will be submitted to a judge of the Circuit or District Court by in-person delivery.

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If a true emergency exists during normal working hours, the affiant shall contact a designated judge to arrange for an electronic review. See Appendix A—Search Warrants.

After Normal Working Hours

Contact the District Court Commissioner's Office for referral to the "emergency" duty judge. The emergency duty judge will provide the necessary fax or email contact information.

Requirements

An application for a search warrant shall be:

- In writing;
- Signed, dated, and sworn to by the applicant; and,
- Accompanied by an affidavit that establishes probable cause and contains facts within the personal knowledge of the affiant.

The search warrant shall name or describe, with reasonable particularity:

- The person, building, apartment, premises, place, or thing to be searched;
- The grounds for the search, and,
- The name of the applicant on whose application the warrant is issued.

B. Preparation for Execution of Search Warrant

Prior to entering the area to be searched as ordered by the warrant, the search warrant supervisor will conduct a pre-entry briefing of the execution process with all entry team and search team members. The briefing is to include:

- A review of the actual order of operations and procedures the search members will follow;
- A simulation of the conditions of the search site (using maps, charts and diagrams, when appropriate); and,
- Tactics and equipment to be used should forced entry be required.

In planning for the day and time for execution of the warrant, the search warrant supervisor will attempt to learn of all relevant circumstances.

The search warrant supervisor will attempt to determine if any circumstances exist that would make the use of distraction devices impractical

or unsafe. Some of these circumstances may include:

- Small children present;
- Elderly persons present;
- Flammable substances present (e.g., contraband drug laboratory); or
- Dangerous animals.

The tactical team leader is responsible for ensuring that the tactical entry portion of a search warrant execution is documented.

The search warrant supervisor is responsible for ensuring that the entire search warrant execution process is documented (including an inventory and return receipt) from entry until the search team leaves the premises. A written record shall be supported by photographs and, if practical, a videotaping of the entire search warrant execution process.

C. Time Limitations on Search Warrant Executions

A search warrant is to be executed as soon as practical and within the time allowed by law. Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to:

- The need to have many searches occur at the same time, which requires coordination and mobilization of law enforcement resources;
- Evidence items have not arrived at the search site;
- The probability that substantial resistance will be encountered;
- A particular person(s) is absent from the search site, and the case officer feels that the search would best be conducted if that person were present; or,
- The need to protect an informant's identity.

If a delay in execution of the search warrant exceeds the time limits imposed by law the search warrant is not to be executed. If probable cause exists, upon which a new application for a search warrant can properly be based, a new application for a search warrant, including an articulation of the updated status of probable cause, may be made.

D. Uniform and Equipment Requirements

All members of the search team who are assigned as perimeter units should be

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equipped with body armor and attire that clearly identifies them as police officers (e.g., authorized uniforms.)

E. Entry Procedures

Travel to the scene should be executed without sirens. If a pre-execution surveillance team is on the scene, radio contact is to be made to ensure execution of the search warrant at that time is optimal.

The search warrant supervisor is responsible for ensuring that the search warrant is valid and that the premises about to be searched are the premises described on the warrant.

Search team members assigned to the perimeter are to position themselves in the following manner:

- Exits from the premises shall be covered;
- Perimeter units will detain anyone who attempts to enter or exit the premises while the entry team completes its entry; and,
- Perimeter units will detain anyone who is found on the perimeter of the premises to be searched. This includes, but is not limited to anyone inside sheds, outbuildings and vehicles.

Notification And Announcement upon Entry

Except as noted below, before making entry into the premise the warrant orders to be searched, a entry team member must attempt to notify persons, in a voice loud enough to be heard inside the premises, that he or she is a police officer, has a warrant to search the premises, and that he or she demands entry to the premises at once.

Unannounced entries may only be made in accordance with law. The application for a search warrant may contain a request that the search warrant authorize the executing member to enter the place to be searched without giving notice of the officer's authority or purpose.

Maryland law requires a reasonable suspicion to believe that, without the authorization:

- Property subject to seizure may be destroyed, disposed of, or secreted; or,
- The life or safety of the executing officer or another person may be endangered.

Use of Distraction Devices

Flash/Sound distraction devices may be deployed at the discretion of the tactical team leader.

F. On Premise Activities

The tactical team leader on the scene is responsible for ensuring that tactical entry team members conducts a security sweep of the search site.

After the search site has been secured, the search warrant supervisor is to develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.

Search team members are responsible for collecting, preserving and documenting all items seized until possession is transferred to the evidence custodian.

If damage occurs to the structure of the premises searched, the case report will reflect the actions that caused the damage and a detailed description of the nature and extent of the damage.

The member executing the search warrant shall:

- Prepare a detailed search warrant return which shall include the date and time of the execution of the search warrant and a list of property seized pursuant to the search warrant; and,
- Give a copy of the search warrant, the application, the affidavit, and return to an authorized occupant of the premises searched or leave a copy of the search warrant, the application, the affidavit, and the return at the premises searched.

G. Exceptions to Tactical Entry Team

Under certain circumstances the utilization of a tactical team for entry is not necessary. Some of these circumstances may include:

- Officers are already present at the scene and have secured it;
- The location to be searched is known to be unoccupied (e.g., vehicles, unoccupied residences, closed businesses, etc.); or,
- It is known by the case officer that no hostile threats are present at the scene to be searched. (e.g., the location to be searched is a bedroom at the suspect's

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grandparent's house and the suspect is in jail).

The decision to not utilize a tactical entry team must be approved by the search warrant supervisor.

H. Search Warrant Return to the Court

The executing member shall file the search warrant, the application, the affidavit and the return to the issuing judge. If the issuing judge is not available, a search warrant issued by a Circuit Court Judge must be returned to the Circuit Court, and a search warrant issued by a District Court Judge must be returned to the District Court.

HISTORY: Adopted October 1, 2014

This General Order supersedes all other orders and memoranda in conflict therewith.

Authority:



Charles L. Owens

Chief of Police