



Policy 1007

Subject

SEARCH AND SEIZURE WARRANTS

Date Published

DRAFT 25 October 2021

Page

1 of 24

By Order of the Police Commissioner

POLICY

The Baltimore Police Department (BPD) will professionally conduct all searches and seizures and comply with all constitutional and statutory provisions when obtaining, executing, and returning Search and Seizure Warrants. Probable Cause is required in order to obtain a Search and Seizure Warrant.

Constitutional Searches and Seizures. The Fourth Amendment to the United States Constitution states:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon Probable Cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Statutory Searches and Seizures. The Declaration of Rights, Article 26, of the Maryland Constitution states:

"All warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not be granted."

DEFINITIONS

Deconfliction – The process of determining when law enforcement personnel are conducting an event in close proximity to one another at the same time. When certain elements (e.g., time, date or location) are matched between two or more events, a conflict results. **There are two types of Deconfliction:**

- **Event Deconfliction** – The process of determining when law enforcement personnel are conducting an event in close proximity to one another at the same time. Events include law enforcement actions, such as undercover operations, surveillance, and executing search warrants. When certain elements (e.g., time, date, location) are matched between two or more events, a conflict results, and immediate notification is made to the affected agencies or personnel regarding the identified conflict. Event Deconfliction should occur **before** warrants result in Dynamic Entry, which could pose a potential blue-on-blue incident. The goal of Event Deconfliction is to prevent blue-on-blue incidents and maintain officer safety.
 - The Maryland Coordination and Analysis Center (MCAC) conducts Event Deconfliction on a 24/7 basis.
- **Target Deconfliction** – A process designed to prevent "cross-contamination" of cases between multiple agencies to better ensure that these investigations do not interfere with one another. Target Deconfliction is **not** limited to locations. Target Deconfliction can be submitted for anything

involving a unique identifier (e.g., license plate, firearm serial number, currency serial number, person). These types of Deconfliction should be done well in advance of any investigation and before an event (e.g., arrest, surveillance, search warrant, knock-and-talk) occurs.

Dwelling - Any structure which has the potential to house a person, regardless if the structure is currently occupied or not. This includes but is not limited to traditional Dwellings, such as residential homes, apartments, mobile homes, and hotel or motel rooms. Also included in this definition are garages, sheds, storage units, trailers, tents, houseboats, as well as any other out-buildings or adjoining structures to a residence.

Dynamic Entry — The rapid, forceful initial entry into a non-secured area or structure that may contain a hostile person or persons.

Knock-and-Announce Warrant — A warrant authorizing members to enter certain premises, but requiring that the member first knock, identify themselves and their intent, and wait for a reasonable amount of time for the occupants to let them into the residence, prior to entering the premises.

No-Knock Warrant — A warrant authorizing members to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises.

Probable Cause to Search — Where facts and circumstances, known to the member and taken as a whole, would lead a reasonable member to believe that, based on their training and experience, either contraband or evidence of a crime will be found in a particular location.

Sealing Order — An order signed by a judge that maintains confidential an Affidavit in Support of Search and Seizure Warrant presented in support of a Search and Seizure Warrant for a period not exceeding 30 days.

Search and Seizure Warrant — A written order, issued by the court, authorizing and directing a member to search a specified person, premises, vehicle, dwelling or other location in order to seek and recover articles of evidence related to the commission of a crime. A Search and Seizure Warrant consists of a Search and Seizure Warrant Application and an Affidavit in Support of Search and Seizure Warrant.

GENERAL

1. All Search and Seizure Warrants must be reviewed by a permanent-rank supervisor before being presented for judicial review. Under no circumstances will any member submit a Search and Seizure Warrant Application and an Affidavit in Support of Search and Seizure Warrant for judicial review before it is approved by a sergeant or person of higher rank.

NOTE: Both Circuit Court and District Court Judges can issue/authorize in-jurisdiction (location/person to be searched is within Baltimore City) Search and Seizure Warrants, but only a District Court Judge can issue/authorize an out-of-jurisdiction (location/person to be searched is outside of Baltimore City) Search and Seizure Warrant.

2. A permanent-rank supervisor must be present during the execution of all Search and Seizure Warrants, and shall remain on-scene until the completion of the search and all BPD personnel have left the location.
3. A uniformed member must be present during the execution of all Search and Seizure Warrants.

EXCEPTION: A permanent-rank supervisor or uniformed member is not required to be present during the execution of a Search and Seizure Warrant for the collection of forensic evidence only (e.g., blood, DNA, electronic signatures and/or files, etc.), unless a Dynamic Entry is needed to obtain the evidence.

4. For Dynamic Entry, the permanent-rank supervisor who is part of the entry team will assess and modulate whether a Dynamic Entry is needed, or whether other techniques are preferable. If Dynamic Entry is required, that same permanent-rank supervisor will approve Dynamic Entry for that Search and Seizure Warrant execution.
5. A Search and Seizure Warrant must be executed within 10 days of the date of issuance, beginning on the date of issuance.
6. All searches shall be conducted in a thorough and professional manner with minimal damage or disruption to the location searched. To minimize property damage and the need for forcible entry, and where doing so would not place BPD members at heightened risk, members shall attempt to lawfully obtain keys, combinations, or access codes when a search of locked property is anticipated.
7. The Search and Seizure Warrant Application, Affidavit in Support of Search and Seizure Warrant, and its verified inventory, must be returned to the issuing judge or, if absent, to another judge of the same circuit or district, as promptly as possible and no later than 10 days after execution or earlier if stipulated in the Search and Seizure Warrant.
8. A Search and Seizure Warrant that has not been executed must be returned to the issuing judge within 10 days after its issuance or, in that judge's absence, to another judge of the same circuit or district.
9. Typically, the execution of a search warrant requires the member to knock and announce prior to entering the premises to be searched. No-Knock Searches require particularized exigent circumstances, including (1) reasonable suspicion to believe that, without No-Knock Warrant authorization, the life or safety of the member or another person may be endangered, and (2) an inability to detain the suspect or search the premises using other, less intrusive means.

NOTE: Prior knowledge of the suspect alone, without additional factors, is not enough to justify a No-Knock Search and Seizure Warrant.

10. If a No-Knock Search and Seizure Warrant is requested, a State's Attorney must approve the request, in writing, in addition to the member's permanent-rank supervisor. Members shall ensure that the judge signs the Unannounced Entry Authorization box on the bottom of the Search and Seizure Warrant Application (See Appendix A) authorizing a No-Knock entry.
11. Due to the particularized exigent circumstances of planned No-Knock Warrant searches, execution of No-Knock Warrants shall primarily be performed by SWAT. If SWAT is unavailable, members of specialized units who have successfully completed MPCTC-approved No-Knock Warrant service training may execute the warrant service.
12. A search may include amassing information about a suspect in a way that intrudes on their expectation of privacy (such as remote tracking of a suspect's movement over an extended time frame). These searches almost always require a court order, and are limited in duration.

Confidentiality

13. Disclosure of the contents of an Affidavit in Support of Search and Seizure Warrant prior to the execution of the warrant may lead to administrative discipline and/or criminal charges against the member.
14. Members shall limit information involved in an investigation to those that are essential to that investigation and need to know that information.

DIRECTIVES

Applying for a Search and Seizure Warrant

Member

15. Consult with your supervisor for guidance and approval prior to obtaining a Search and Seizure Warrant.
16. As soon as a target suspect or address is identified in an investigation, the affiant/investigating member must notify the Maryland Coordination and Analysis Center (MCAC) at watch@wb.hidta.org to initiate the Deconfliction process and receive an event tracking number. The affiant/investigating member must provide the information that is requested by MCAC to complete the intake form. Members are reminded that this notification process is designed to promote member safety through identifying locations where potential operational conflicts exist. Ensure the names of contact persons are documented.
17. Event Deconfliction shall be sought when planned operations may present an officer safety risk should other sworn members be on-scene or in proximity to the operation.
18. Members shall seek Event Deconfliction prior to executing a search and seizure warrant on any building, structure, or Dwelling that requires Dynamic Entry. This requirement includes instances where Dynamic Entry would be required to seize forensic or electronic evidence (e.g., cell phone, computer, video or camera system) inside of a building, structure, or Dwelling. If a member's search warrant requires dynamic entry into a Dwelling, Event Deconfliction **must** be submitted to MCAC through watch@wb.hidta.org prior to the warrant being executed.
19. The following common instances do NOT require an Event Deconfliction, **however** members should conduct Target Deconfliction via HIDTA or Case Explorer in order to identify other agencies who may also have an investigative interest in the search and seizure:
 - 19.1. The search of vehicles held at a district lot/garage or the Crime Lab bay,
 - 19.2. Search and seizure warrants for *any* crime scene currently held by uniformed officers,
 - 19.3. Property held at CBIF or at ECU,
 - 19.4. Data from vehicle GPS,
 - 19.5. Data from a phone GPS or Cell Site Data,

19.6. DNA Swab,

19.7. Video footage stored on cloud-based data storage, or

19.8. Social media accounts.

EXCEPTION: If any of the above forensic evidence requires Dynamic Entry to recover, members shall seek Event Deconfliction prior to executing the search and seizure warrant.

20. Upon receiving an event tracking number from MCAC, obtain a BPD tracking number with the Search and Seizure Warrant Tracker application. This number is used to track the service and return of the Search and Seizure Warrant to the issuing judge.
21. Only members ranked Lieutenant Colonel or above may override the Deconfliction requirement. Should a member ranked Lieutenant Colonel or above override the required Deconfliction, they shall submit a written justification that includes specific, articulable facts that justify why the override was reasonable and necessary. The written justification may be submitted through the Lieutenant Colonel's chain of command following the override.
22. No incident type is exempt from the Event Deconfliction process when the warrant sought meets the required Event Deconfliction criteria as described above, however the Criminal Investigative Division (CID) may use its discretion in seeking Target Deconfliction, where practical, during murder, death, non-fatal shooting, and robbery investigations.
23. Whenever it becomes necessary in the investigation, and there is sufficient Probable Cause, apply for a Search and Seizure Warrant from a judge of the Circuit Court of Baltimore City or the District Court of Maryland by completing a Search and Seizure Warrant Application and an Affidavit in Support of Search and Seizure Warrant.

Search and Seizure Warrant Application & Risk Assessment

24. Must contain an accurate, complete, and detailed description of the offense, the person or place to be searched, and the scope and time of the search (if known).
 - 24.1. If possible for buildings, the member shall obtain a photograph of the exterior of the building to be searched and attach it as an exhibit to the Affidavit in Support of Search and Seizure Warrant.
25. Must contain an accurate, detailed description of the person or things intended to be seized.
26. If application is for a No-Knock warrant, the application must contain an accurate, detailed description of the basis for seeking a No-Knock Warrant, including:
 - 26.1. A description of the evidence in support of the application,
 - 26.2. An explanation of the investigative activities that have been undertaken and the information that has been gathered to support the request for a No-Knock Warrant,
 - 26.3. An explanation of why the affiant is unable to detain the suspect or search the premises using other, less intrusive means,
 - 26.4. Acknowledgement that any non-SWAT members who will execute the search warrant

have successfully completed the same MPCTC-approved No-Knock Warrant service training as SWAT members,

26.5. A statement as to whether the Search Warrant can effectively be executed during daylight hours and, if not, what facts or circumstances preclude effective execution in daylight hours, and

26.6. A list of any additional occupants of the premises by age and gender, as well as an indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises, if known.

27. Members shall complete a Search & Seizure Warrant Risk Assessment, Form 318 (Appendix C) for searches and seizures of buildings, structures, or Dwellings in which Dynamic Entry is required. Searches and seizures of secured scenes and non-Dwelling items are exempt from the Risk Assessment requirement provided Dynamic Entry is not necessary.

Affidavit in Support of Search and Seizure Warrant

28. The affiant shall provide the judge with a truthful and complete Affidavit in Support of Search and Seizure Warrant, signed under the penalty of perjury, which details the evidence to establish Probable Cause to Search.

29. Must contain an accurate and clear description of the reasons for the request for the search (i.e., Probable Cause to Search). The facts and circumstances provided must be sufficient for the issuing judge to conclude that there is a reasonable probability to believe that the specific items subject to seizure are at the location specified.

30. The affiant shall include in the affidavit in Support of Search and Seizure Warrant any information or material evidence – known at the time the affidavit was presented – including any information or evidence that would contradict a finding of Probable Cause. Examples of this type of information are:

30.1. Material facts impacting the credibility of an informant or witness.

30.2. The bias of an informant or witness.

30.3. Witnesses' observations of the crime that are contrary to the Affidavit in Support of Search and Seizure Warrant.

30.4. Material evidence that would significantly undermine informants', witnesses', and/or victims' identification of suspects.

30.5. Material evidence that would undermine informants', witnesses', and/or victims' statements of events.

30.6. Material evidence that witnesses have identified persons other than the suspect as the perpetrator of the crime.

30.7. Material evidence that a victim or witness has advised the suspect is not the perpetrator of the crime including that the victim or witness has seen a line-up and advised the suspect is not perpetrator.

- 30.8. The existence of material evidence pointing to another perpetrator.
- 30.9. Material evidence that the suspect was not at the scene of the crime.
- 30.10. The existence of material physical evidence or scientific testing that would contradict statements of facts in the Search and Seizure Warrant Application.

NOTE: The affiant will be held strictly accountable for the content of the Search and Seizure Warrant Application and Affidavit in Support of Search and Seizure Warrant. It is **prohibited** for a member to rely on information known at the time of reliance to be materially false or incorrect to seek a Search and Seizure Warrant. Use only the designated forms referred to within this policy.

- 31. If a No-Knock Warrant is being requested, justification specific to the case must be outlined in the Affidavit in Support of Search and Seizure Warrant.
- 32. Submit to permanent-rank supervisor and State's Attorney, if seeking a No-Knock Warrant, for written approval. Address any deficiencies or concerns expressed by the supervisor or State's Attorney.
- 33. Upon approval by the permanent-rank supervisor, submit the above-completed documents to an available Circuit or District Court Judge (during business hours). During non-business hours, weekends and holidays, contact the Court Commissioner at (410) 767-5774, 500 N. Calvert Street, who will notify the duty judge.
- 34. Ensure the following copies of the above documents are generated:
 - 34.1. **First Copy:** Given to the issuing judge.
 - 34.2. **Second Copy:** Given to the owner/agent in charge of the location.
 - 34.3. **Third Copy:** Case folder.
 - 34.4. **Fourth Copy:** State's Attorney's copy.
 - 34.5. **Fifth Copy:** Affiant copy.
 - 34.6. **Original Warrant:** Returned to the issuing judge upon execution or expiration.
 - 34.7. **Sealing Order:** Same copying sequence as warrant, when applicable (See Appendix B).

Permanent-Rank Supervisor

- 35. Supervisors shall thoroughly review each request for a Search and Seizure Warrant, including each Search and Seizure Warrant Application and Affidavit in Support of Search and Seizure Warrant, before it is filed by a member, for:
 - 35.1. Appropriateness;
 - 35.2. Legality; and

- 35.3. Conformance with BPD regulations.
- 36. The supervisor shall assess the information contained in the Search and Seizure Warrant Application and supporting document for authenticity, including:
 - 36.1. Use of "boilerplate" or "pat" language;
 - 36.2. Ensuring the information is consistent and detailed;
 - 36.3. Probable Cause to Search has been established within the document;
 - 36.4. The reliability of information used as a basis for the warrant;
 - 36.5. Procedures used to identify the target location.
- 37. The supervisor shall take appropriate action to address violations or deficiencies, including recommending non-disciplinary corrective action for the involved member.
- 38. Complete the Search and Seizure Warrant Risk Assessment (See Appendix C) prior to a member obtaining a warrant.

Preparing to Execute a Search and Seizure Warrant

Member

- 39. Identify and document the member who is in charge of executing the search warrant (Team Leader).
- 40. Present the warrant to the supervisor for review and pre-raid preparation.
- 41. Identify the target location.
- 42. Provide a sketch/photograph of the target location, as well as any other intelligence. Examples of relevant intelligence to provide include the presence and/or location of known risk factors (e.g., weapons, dogs, locked gates, or cohabitants), whether there is known gang affiliation or violent criminal history, police or military experience, or a known history of drug or alcohol abuse. This shall be useful in assisting with the thorough completion of the Search and Seizure Warrant Risk Assessment (See Appendix C). In addition, members should include information regarding safety factors to consider for known possible inhabitants of the location to be searched. This includes the possible presence of infants, small children, elderly or disabled persons, persons with medical conditions, mental illness, or other physical or developmental disabilities. Ensure a plan is put in place to prioritize and ensure the safety of such vulnerable individuals.

NOTE: Take into consideration the possibility that animals may be present, and ensure a plan is put in place and equipment is obtained to properly manage animals without using deadly force.

- 43. Review the tactical plan created by the supervisor, which details each team member's duties (described below under **Permanent-Rank Supervisor**).
 - 43.1. Each member must learn their duties, review the location, and understand any other pertinent information in the plan prior to arrival at the site.

- 43.2. All team members must adhere to the tactical plan throughout the entire warrant execution process.
- 44. Obtain all necessary equipment. This may include, but is not limited to:
 - 44.1. Ram
 - 44.2. Ballistic Shield
 - 44.3. Dog Pole
 - 44.4. Fire Extinguisher
 - 44.5. Raid Kit
 - 44.6. Camera

NOTE: Unless approved by the Commander, Special Operations Section, the use of flash-bang or stun devices is prohibited during the execution of Search & Seizure Warrants.

- 45. Conduct pre-raid surveillance of at least one square block around the target location. Special attention should be made to locate unmarked vehicles and plainclothes members who may be at the target location or in the immediate area.

Permanent-Rank Supervisor

- 46. Make appropriate notification to SWAT when:
 - 46.1. Approving a No-Knock Warrant Application and Affidavit,
 - 46.2. Required based on criteria set forth within the Search and Seizure Warrant Risk Assessment (See Appendix C), and/or
 - 46.3. At the request of any supervisor.

NOTE: SWAT will immediately review each Search and Seizure Warrant request and serve the warrant as soon as they are able to safely do so. For No-Knock Warrant service requests, SWAT will also review the circumstances permitting a No-Knock search, and may determine that No-Knock Warrant service is unnecessary. SWAT will then advise the requesting supervisor to serve the warrant as a Knock-and-Announce Warrant.

- 47. Prepare a complete tactical plan detailing all team members' duties. The plan must include:
 - 47.1. Each member to be involved and the duties of each member.
 - 47.2. Plan for approach (e.g., how will the building be covered, who will be where, etc.)
 - 47.3. A proposed hospital route in case any member or civilian is injured during the execution of the Search and Seizure Warrant.
- 48. Conduct a tactical meeting with all members participating in the execution of the Search and

Seizure Warrant. All Search and Seizure Warrant tactical meetings must be attended and supervised by a participating permanent-rank supervisor prior to execution. A tactical meeting **will not** be conducted in the field unless exigent circumstances preclude all participating members from meeting at the designated location. During the tactical meeting, assign members to the following duties:

48.1. Entry Team.

48.2. Arrest Team.

48.3. Search/Recovery of Evidence Team.

48.4. Emergency Withdraw Team (ensures police safety, once the command is given, if an immediate withdraw of members from the premises becomes necessary).

NOTE: One or more non-supervisory member(s) may be assigned to the role of searching, collecting, and/or recording. In addition, members assigned to the Search/Recovery Team may also be assigned duties with the Entry and Arrest Teams.

Executing a Search and Seizure Warrant

Member

49. All members shall activate their body-worn camera prior to executing a warrant, as per Policy 824, *Body-Worn Camera*.
50. Continually monitor and assess the level of threat present, up to the knock. If additional risk factors arise, notify the permanent-rank supervisor immediately.
51. Members may only execute a No-Knock Warrant between 0800 and 1900 hours, unless specific, articulable circumstances exist that would preclude serving the warrant during that timeframe.
52. All members participating in the entry shall be visually identifiable as police officers in accordance with BPD policy, depending on the member's assignment (See Policies 1504, *Departmental Uniforms and Equipment* and 1005, *Non-Uniformed Policing*).
53. Knock forcefully on the door and in a loud voice, identify yourself as a police officer. State that you have a Search and Seizure Warrant and demand that the door be opened.
 - 53.1. If a response is heard, identify yourself again as a police officer, state that you have a Search and Seizure Warrant and demand that the door be opened. If the occupant(s) refuse(s) to open the door after **no fewer than 20 seconds** and a reasonable amount of time an occupant would take to access the door, based on the size of the location, force may be employed to gain entry. Announce loudly for any inhabitants to stand back from the door and that force is about to be used.
 - 53.2. If no response is heard to the initial demand for entry after **no fewer than 20 seconds** and a reasonable amount of time an occupant would take to access the door, based on the size of the location, force may be employed to gain entry. Announce loudly for any inhabitants to stand back from the door and that force is about to be used.

EXCEPTION: Immediate entry may be initiated if sounds, conversations or other activity coming from within the premises creates reasonable suspicion that there is a potential threat of physical harm to members or occupants,

54. Once entry has been gained, immediately and continually identify yourself by stating "Police, Search Warrant" in a loud and forceful voice upon entering any room, traversing any hallway or flight of stairs, and upon contact with any person inside of the location while conducting a protective sweep for suspects.

NOTE: Members are not permitted by law to search persons found inside of a target location during the execution of a Search and Seizure Warrant unless those persons are specifically named in the warrant. However, members may require those persons to remain on-scene for a reasonable period of time until the service of the warrant is complete. See Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*, Policy 1114, *Persons in Police Custody*, and Policy 1109, *Warrantless Searches* for further guidance on when it is proper to conduct specific law enforcement actions during this procedure.

EXCEPTION: While executing a search warrant in a public place, police may detain persons present only if there is reasonable suspicion that criminal activity is afoot as to each person detained. For example, there may be 20 patrons inside a business, but police may have reasonable suspicion to detain only one of those patrons. If so, police shall detain the one patron and take reasonable steps to confirm or dispel the suspicion.

55. The member designated to take photographs shall take before and after photographs of the location to be searched, points of entry, locations of property recovered, and any property that was damaged as a result of the execution of the warrant.
56. Show a signed copy of the warrant, complete with the judge's signature, to the person searched and/or to the owner/agent in charge of the location, unless the warrant is sealed.
57. The search will be conducted one room or area at a time. In executing the search, members may not exceed the scope of the warrant.
58. Members should remain respectful of the property being searched, minimizing disarray, disruption, or property damage to that which is necessary to successfully execute the warrant in alignment with its scope.
59. Use numbers (beginning with "1") to indicate evidence recovery locations. Take photographs of evidence/property with the number visible in the photograph.
60. All recovered dangerous weapons must be rendered safe.
61. Prepare a post search warrant execution diagram of the inside of the location searched. The diagram shall include the locations and types of rooms, stairwells, windows, doors, and any other noteworthy structural feature which may aid other search parties in the future.
62. Complete the "Return" (property taken listing – see Appendix A, page 3), describing each item of property seized and sign in the space provided on the back of the "return" in the presence of the owner/agent of the location. If the owner/agent is not present, complete the "return" in the presence of a supervisor.

63. Leave an unsigned copy of the warrant, with completed “return,” with:
- 63.1. The person from whom the property was seized, or
 - 63.2. The owner/agent of the location from which the property was seized.
64. If the owner/agent is not present, leave a copy of the warrant in a conspicuous place at the location searched. **Never leave a copy of a warrant with the judge’s signature.**
65. An Affidavit in Support of Search and Seizure Warrant for criminal activity that has been sealed by a judge shall not be left on the premises or with the person searched. **A copy of the Sealing Order shall be left with the Search and Seizure Warrant Application in lieu of the Affidavit in Support of Search and Seizure Warrant.**
66. Additionally, complete a Property Seizure Receipt, Form 57 (Appendix D) for each presumptive owner of property that was seized, and provide a copy of the Property Seizure Receipt to the presumptive property owner.
67. **Update the Search & Seizure Warrant Tracker application** upon execution, expiration and return of a Search and Seizure Warrant.

Permanent-Rank Supervisor

68. A permanent-rank supervisor must be present during the execution of all Search and Seizure Warrants, and shall remain on-scene until the completion of the search and all BPD personnel have left the location.

EXCEPTION: A permanent-rank supervisor is not required to be present during the execution of a Search and Seizure warrant for the collection of forensic evidence only (e.g., blood, DNA, electronic signatures and/or files, etc.), unless a Dynamic Entry is needed to obtain the evidence.

69. Monitor the continual reassessment of threat factors before entry. If additional risk factors arise prior to entry, determine the best way to proceed based on the additional risk factors (e.g., may decide that a SWAT entry is required and the current team should not conduct the warrant service as planned).
70. Ensure additional supervisors are present when two or more search warrants are scheduled for simultaneous or consecutive execution.
71. Ensure sufficient members are positioned outside the location to cover all potential escape routes.
72. Supervise the execution of the Search and Seizure Warrant, ensuring the professional conduct of the search at the location described in the warrant, to include the utilization of necessary support personnel.
73. Ensure all seized property is properly inventoried and submitted to the Evidence Control Unit (See Policy 1401, *Control of Property and Evidence*).

Documentation

Member

74. Complete an Incident Report including the following in Records or in the associated narrative:
- 74.1. Select the appropriate Search and Seizure Warrant action in the "Incident Type" field within the Offense card of the Incident Report.
 - 74.2. Indicate if the warrant was an authorized No-Knock Search and Seizure Warrant.
 - 74.3. Attempts to gain entry by knocking.
 - 74.4. The name of the member who knocked on the door.
 - 74.5. Reason(s) for forced entry, when applicable.
 - 74.6. Description of any use of a firearm (see Policy 1115, *Use of Force* for further documentation guidance in these instances).
 - 74.7. Points of forced entry, areas searched and interior description.
 - 74.8. The location(s) where evidence was **first** found and seized. Complete the applicable fields for evidence recovered in the Property card.
 - 74.9. The name of the member who **first** found and seized the evidence.
 - 74.10. The number of photographs taken.
 - 74.11. Date, time and name of the judge who signed the warrant.
 - 74.12. Identify the exact location of persons present upon entry.
 - 74.13. If anyone not the target of the warrant was detained, create Name cards in Records for them, and document in the Narrative the reasons those persons were detained and the duration of the detention(s).
 - 74.14. Identity of the raid party to include the identity of the uniformed members.
 - 74.15. Name of person with whom warrant and inventory was left, or location where warrant was left if no one was present.
 - 74.16. All necessary information in order to identify all body-worn camera footage of the incident, or attach links to BWC footage in Attachments card.
75. Prepare and maintain a case folder including a copy of the warrant, sketch of the location, photographs taken, and all relative reporting.
76. Return the Search and Seizure Warrant, along with its verified inventory, to the issuing judge or, if absent, to another judge of the same circuit or district, within 10 days after execution of the warrant (or earlier if stipulated in the warrant).

77. Notify the Watch Center that the warrant was returned.

Permanent-Rank Supervisor

78. Review the completed field reports for legibility, completeness and accuracy.
79. If any deficiencies are detected (e.g., any of the information outlined in 1.1.-1.16. above is missing), return to the reporting members for proper completion.
80. Indicate approval by signing your full signature.
81. Review verified inventory to be returned to the court.
82. Ensure that the Search and Seizure Warrant, along with its verified inventory, is returned to the issuing judge or, if absent, to another judge of the same circuit or district, within 10 days after execution (earlier if stipulated in the warrant).
83. Ensure that a Search and Seizure Warrant that has not been executed be returned to the issuing judge within 10 days after its issuance or, in that judge's absence, to another judge of the same circuit or district.
84. Ensure that the Watch Center has been notified whether or not the warrant was served, the date of warrant execution, and the date the warrant was returned to the court.

Specialized Unit Responsibilities

SWAT Shift Commander

85. Review the circumstances permitting No-Knock Warrant service requests. If the SWAT Shift Commander determines that executing the No-Knock Warrant is not necessary, the SWAT Shift Commander shall authorize the requesting supervisor to serve the warrant as a Knock-and-Announce Warrant.
86. When requested and necessary, assume full control of the tactical warrant execution operation.
87. Debrief the ranking on-scene supervisor and all other persons who have pertinent information concerning the warrant service.

Tracking Search and Seizure Warrants

Data Driven Strategies Division, Watch Center

88. Track whether each warrant was served or unserved, the date of each warrant execution, and the date of warrant return to the court.
89. Maintain, in a central location, a compliance log listing:
- 89.1. Each Search and Seizure Warrant;
- 89.2. The case file where a copy of such warrant is maintained;

- 89.3. The name of the member who applied for the Search and Seizure Warrant;
 - 89.4. The supervisor(s) who reviewed and approved or disapproved the Search and Seizure Warrant Application;
 - 89.5. Whether it was a No-Knock Warrant; and
 - 89.6. Documentation if disapproved, including why it was disapproved and what remedial actions, if any, were taken by the supervisor (disciplinary or training).
90. Maintain and report the following data on an annual basis to the Maryland Police Training and Standards Commission (MPTSC):
- 90.1. The number of times a No-Knock Warrant was executed in the previous year.
 - 90.2. The zip code of the location where each No-Knock Warrant was executed.
 - 90.3. The legal basis for each No-Knock Warrant issued.
 - 90.4. The number of times a member made Dynamic Entry into a building, apartment, or Dwelling specified in the Warrant.
 - 90.5. The number of times SWAT was deployed to execute a Search Warrant.
 - 90.6. The number of arrests made during the execution of a Search Warrant.
 - 90.7. The number of times property was seized during the execution of a Search Warrant.
 - 90.8. The number of times a member discharged their weapon during the execution of a Search Warrant.
 - 90.9. The number of times a person or domestic animal was injured or killed during the execution of a Search Warrant, separated by whether the person or animal was injured or killed by a law enforcement officer.
 - 90.10. For each Search Warrant executed, the number of days from its issuance until the execution of the Search Warrant, separated by whether the Search Warrant was a No-Knock Warrant.

APPENDICES

- A. Application for Search and Seizure Warrant Template
- B. Sealing Order – Front (Form 349), page 1 Sealing Order – Back, page 2
- C. Search and Seizure Warrant Risk Assessment (Form 318)
- D. Property Seizure Receipt (Form 57)
- E. Search Warrant Fields in Axon Records

ASSOCIATED POLICIES

Policy 824, *Body-Worn Camera*
Policy 1109, *Warrantless Searches*
Policy 1112, *Field Interviews, Investigative Stops, Weapons Pat-Downs & Searches*
Policy 1114, *Persons in Police Custody*
Policy 1115, *Use of Force*
Policy 1401, *Control of Property and Evidence*

RESCISSION

Remove and destroy/recycle Policy 1007, *Search and Seizure Warrants*, dated 9 February 2021.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

APPENDIX A**Application for Search and Seizure Warrant (Form 188), page 1**

CIRCUIT COURT
OR
DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

APPLICATION FOR SEARCH AND SEIZURE WARRANT
FORM 02/188

To the Honorable Judge _____ of the _____

the undersigned being duly sworn deposes and says that he (they) has (have) reason to believe that

(on the person of) _____

(on the premises known as) _____

(in the vehicle described as) _____

NOTE: Describe the person(s), premises or vehicle.

In the City of Baltimore there are now being concealed certain property, namely;

NOTE: Describe property to be seized -- use continuation sheet if necessary.

Which is (are) (in violation of the Laws of Maryland) (evidence relating to the commission of a crime)
pertaining to

NOTE: Give grounds for search and seizure.

AND that the facts tending to establish grounds for issuance of Search Warrant are set forth in the
Affidavit(s) attached thereto and made part thereof WHEREFORE your Affiant(s) prays(s) that a
Search Warrant be issued for said _____

(Signature of Affiant)

(Official Rank or Title)

SWORN to before me and subscribed to in my presence this ____ day of _____

20__ Signed _____

JUDGE

APPENDIX A

Search and Seizure Warrant (Form 187) – Front, page 2

CIRCUIT COURT FOR BALTIMORE CITY
OR
DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

SEARCH AND SEIZURE WARRANT
FORM 02/187

TO: Any police officer of Baltimore City:

The affidavit having been made before me by _____
Affiant -- Name and Rank

_____, said Affidavit being incorporated by reference into this warrant and made a part thereof, that he (they) has (have) reason to believe that:

(on the person of) _____

(on the premises known as) _____

(in the vehicle described as _____

NOTE: Describe the person(s), premises or vehicle.

in the City of Baltimore, there being concealed certain property, namely; _____

NOTE: Describe property to be seized -- use continuation sheet if necessary.

(in violation of the Laws of Maryland)
which is (are) (evidence relating to the commission of a crime) pertaining to _____

NOTE: Give grounds for search and seizure.

and I am satisfied that there is probable cause to believe that the property so described is being concealed on the (person) (premises) (vehicle) above described and that the foregoing grounds for issuance of the search warrant exist. You are therefore commanded, with the necessary and proper assistants, to search forthwith the (person) (premises) (vehicle) herein above described for the property specified, executing this warrant and making the search; and if the property be found there, to seize it; and if upon execution of this warrant, there are found persons then and there engaged in the commission of a crime, arrest those so participating; leaving a copy of this warrant with an inventory of the property seized and returning copy of said warrant and inventory, if any, to me within ten days after execution of this warrant; or, if not served, to return this warrant to me promptly, but not later than five days after this expiration, as required by law.

Dated this _____ day of _____ 20__ Signed _____
JUDGE

Unannounced Entry Authorization

Good cause being shown therefore, the executing law enforcement officers are authorized to enter the premises to be searched without giving notice of their authority and purpose.

Dated this _____ day of _____ 20__ Signed _____
JUDGE

APPENDIX A

Search and Seizure Warrant (Form 187) – Back, page 3

RETURN

I received the attached Search Warrant _____ 20__

and have executed it as follows:

On _____ 20__ at _____ o'clock ____ M

I searched the (person) (premises) (vehicle) described in the warrant and I left a copy of the warrant containing the inventory with _____

(name of person searched or owner " at the place of search")

The following is a inventory of property taken pursuant to the warrant:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

This inventory was made in the presence of _____

and _____

I swear that the inventory is a true and detailed account of all the property taken by me on the warrant.

(Signature of Affiant)

Subscribed, sworn to and returned before me this _____ day

of _____ 20____ Signed _____

JUDGE

APPENDIX B**Sealing Order (Form 349) – Front, page 1****SEALING ORDER
FORM 03/349**

IN RE

SPECIAL

INVESTIGATION

IN THE

CIRCUIT COURT

FOR

BALTIMORE CITY

SEALING ORDER

WHEREAS the affidavit in support of the attached Application for Search Warrant and Search Warrant establishes evidence of the following:

(1) The criminal investigation to which the affidavit is related is of an ongoing nature and likely to yield further information which could be of use in prosecuting alleged criminal activities; and

(2) The failure to maintain the confidentiality of the investigation would jeopardize the use of information already obtained in the investigation, would impair the continuation of the investigation, or would jeopardize the safety of a source of information; and

WHEREAS the criminal investigation involves inquiries into alleged criminal activities in violation of Criminal Law Articles related to: Controlled Dangerous Substances - 5-601 through 5-609, 5-612 through 5-614, 5-617, 5-619 or 5-628; or Murder - 2-201 or 2-204; or Pornography - 11-207 or 11-208; and

WHEREAS this investigation is being conducted by members of the Baltimore City Police Department, a law enforcement agency; and

WHEREAS this Order is issued on a finding of good cause pursuant to all of the above;

APPENDIX B

Sealing Order (Form 349) – Back, page 2

It is this _____ day of _____, 20_____

ORDERED, that the affidavit in support of the attached Application for Search and Seizure Warrant and Search and Seizure Warrant for the premises, persons and vehicles so identified therein as:

be sealed for a period of not more than thirty (30) days; and it is further

ORDERED, that said thirty (30) days commence to run from the execution of said warrant; and it is further

ORDERED, that upon the expiration of this Order, the sealed affidavit shall be unsealed and delivered within fifteen (15) days to the person from whom the property was taken, or if that person is not present on the premises at the time of delivery, the person apparently in charge of the premises from which the property was taken.

Judge
Circuit Court for Baltimore City

APPENDIX C

Search and Seizure Warrant Risk Assessment (Form 318)

S.W.A.T.
Search and Seizure Warrant Risk Assessment
Form 03/318

POLICE DEPARTMENT
BALTIMORE, MARYLAND

SEARCH AND SEIZURE WARRANT RISK ASSESSMENT

CC#

Date

Unit Supervisor Printed Name:	Signature	Seq. No.
Location:		
Special Circumstances:		

LOCATION FACTORS	Value	Points Assessed
Multiple suspects	10	
Additional persons on site	5	
Armed counter-surveillance	25	
Chemicals / lab	35	
Use of lookouts	5	
Dogs	5	
Fortification	10	
Locked perimeter / gate	5	
Possible booby traps	5	
Security gate / door	5	
Knock & Announce	5	
Levels (Third Floor) etc.	2	
Prior search & seizure at location	5	
Video surveillance	5	
No-knock warrant	15	
SECTION TOTAL		

SUSPECT CRIMINAL HISTORY	Value	# Persons	Points Assessed
Assault with a deadly weapon	10	x	
Assault on police	25	x	
Firearms	10	x	
Homicide	35	x	
Robbery	10	x	
Sexual Assault	5	x	
Felony CDS	5	x	
Resist Arrest	10	x	
SECTION TOTAL			

WEAPONS FACTORS	Value	Points Assessed
Assault weapons	35	
Explosives	35	
Fully automatic	35	
Handgun	10	
Rifle	35	
Shotgun	10	
Any weapon/ammunition capable of penetrating issued body armor	35	
Edge/Blunt weapons	5	
SECTION TOTAL		

GENERAL RISK FACTORS	Value	# Persons	Points Assessed
Drug / alcohol abuse	5	x	
Gang association	5	x	
Hate group	25	x	
Military experience	5	x	
Unstable / suicidal	25	x	
Paramilitary / militia	35	x	
Police experience	10	x	
Terrorist / affiliation	35	x	
Supervisor's discretion	25	x	
SECTION TOTAL			

ASSESSMENT TOTAL POINTS

OPERATIONAL RISK LEVEL

35+ Points	RISK LEVEL 3 – HIGH S.W.A.T. TEAM ENTRY	X
21-34 Points	RISK LEVEL 2 – Medium WITH ASSESSMENT OF 25 OR MORE POINTS - CONSULT WITH S.W.A.T.	X
0-20 Points	RISK LEVEL 1 – Low	X

S.W.A.T. Sergeant/Lieutenant Notified	Unit Number	Seq. Number	Date	Time
---------------------------------------	-------------	-------------	------	------

APPENDIX D**Property Seizure Receipt (Form 57)**

Form 57/16		Date:	Time:
Baltimore Police Department Property Seizure Receipt		CC#:	Property#:
Property Type (please check all that apply): 1. <input type="checkbox"/> Currency (Amount \$ _____) 2. <input type="checkbox"/> Vehicle 3. <input type="checkbox"/> Weapon(s) 4. <input type="checkbox"/> Other			
Detailed description of property seized:			
Seizing Officer:	Rank:	SEQ#:	Contact Number:
Seizing Officer's Signature:	Assignment:		Date Seized:
Witnessing Supervisor:	Rank:	SEQ#:	Contact Number:
Witnessing Supervisor's Signature:	Assignment:		Date Seized:
Person From Whom Property Seized:			
Address:		Email Address:	
ID/OLN:		Contact Number: () -	
Property Owner? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Owner's Name:		Contact Number: () -	
Address:			
IMPORTANT NOTICE:			
If you are the owner of the seized property, you have the right to request in writing that your property be returned to you. Such a request should include proof of ownership. Email requests to seizedproperty@Baltimorepolice.org .			
Within 60 days after receipt of your written request, the Baltimore Police Department will make a determination as to whether it will seek forfeiture of the property, continue holding the property as evidence, or release/return the property.			
Seizure and forfeiture of property is a legal matter. Nothing in this document may be construed as legal advice. You may wish to consult an attorney concerning this matter.			

APPENDIX E

Search Warrant Fields in Axon Records

SEARCHES 1

REMOVE

TYPE OF SEARCH Warrant Search	MEMBER CONDUCTING SEARCH	WARRANT #
SEARCH OF	NO KNOCK?	FORCED ENTRY?
ITEMS RECOVERED		

DRAFT