



Policy 1104

Subject	
ARREST WARRANTS	
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By Order of the Police Commissioner

POLICY

Arrest Warrant Service. The purpose of this policy is to set forth standards and guidance for members of the Baltimore Police Department (BPD) to safely and uniformly serve and obtain arrest warrants in accordance with the 4th Amendment to the United States Constitution, Maryland Law, and the rules and regulations stated in this policy.

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DEFINITION

Forced Entry — The non-consensual entry into a non-secured area or structure that may contain a hostile person or persons.

Probable Cause to Arrest — Where facts and circumstances taken as a whole, known to the member and those members working with them at the time of the arrest, would lead a reasonable member to believe that a particular person has committed or is committing a crime. Probable Cause is based upon an objective assessment of the facts and circumstances presented to the member and requires a higher level of evidence than Reasonable Articulate Suspicion. For example, a member responding to a call regarding a robbery might have Reasonable Articulate Suspicion to stop someone who matches a solid description of the perpetrator, but would not have Probable Cause to Arrest until obtaining some further evidence, such as an identification by the victim or discovery of proceeds from the robbery on his person.

Warrant Application Review Panel (the Panel) — A working group convened to review homicide and non-fatal shooting arrest warrant applications to determine if sufficient probable cause exists to charge the defendant(s) named with the alleged crime. (See Policy, 1101, *Warrant Application Review Panel*).

GENERAL**Valid Arrest Warrants**

1. An Arrest Warrant is valid only if all of the following conditions are met:
 - 1.1. The warrant is from a court specified below or other appropriate court (e.g., any District or Circuit Court from Baltimore City, another Maryland jurisdiction, or an outside jurisdiction which has approved extradition for the offense).
 - 1.2. The warrant specifies the name of the person whose arrest is ordered.
 - 1.3. The warrant states that the person to be arrested is accused of one or more offenses and/or violations against the laws of the State of Maryland or other jurisdiction, and names the offenses and/or violations(s).
 - 1.4. The warrant is signed by a magistrate, judge, or authorized designee and their office is named in the body of the warrant or by their signature.

DIRECTIVES**Application for Arrest Warrants****Member**

2. When applying for an arrest warrant, members shall:
 - 2.1. Ensure all applications for arrest warrants are based on Probable Cause that the person has committed a crime.

- 2.2. Notify their first-line supervisor of their actions and the elements of the case prior to seeking the arrest warrant.
- 2.3. Understand that the affiant member shall bear full responsibility for the content of the application for the arrest warrant.
- 2.4. If the application for the arrest warrant is for a suspect in a homicide or non-fatal shooting case, see Policy 1101, *Warrant Application Review Panel*, for requirements to submit to the Panel prior to submission to a Court Commissioner.
- 2.5. Submit all applications for arrest warrants to a Court Commissioner at one of the following locations:
 - 2.5.1. The Court Commissioner's Office, located at 500 N. Calvert Street, 24 hours a day.
 - 2.5.2. The John R. Hargrove, Sr. Building, located at 700 E. Patapsco Avenue. Availability of a Court Commissioner must be verified prior to responding to this location.
 - 2.5.3. The Eastside Court Facility, located at 1400 E. North Ave. Hours of operation are 0830 hours to 1630 hours, Monday through Friday.
 - 2.5.4. Edward F. Borgerding District Court Building, located at 5800 Wabash Avenue. Hours of operation 0800-1600 hours, Monday through Friday.
3. Member shall refer to Policy 1106, *Warrantless Arrest Procedure and Probable Cause Standard*, for further guidance on Probable Cause standard.

Supervisor

4. Supervisors shall ensure their members follow the procedures outlined above.
5. Supervisors shall ensure members' applications for arrest warrants include sufficient evidence to show Probable Cause to Arrest for violations, contain all pertinent elements of the crime(s), and are the result of a thorough investigation.

Service of Arrest Warrants

Member

6. Members may serve a felony or misdemeanor warrant at any time, and shall only go to a residence to serve a traffic warrant between the hours of 0600 hours and 2000 hours, unless approved by a permanent-rank supervisor to serve it at another time.
7. Before attempting to serve an arrest warrant, the member shall activate their BWC and keep it activated throughout the duration of the encounter. (See Policy 824, *Body-Worn Camera*).
8. Members shall confirm the validity of a warrant through the Communications Unit or other official source (e.g. Hot Desk, NCIC, etc.) prior to taking action. (See section *Role of Hot Desk* for procedures).

- 8.1. The Communications Unit will check both the National Crime Information Center (NCIC) and the Maryland Inter-agency Law Enforcement System (MILES) for possible warrants. If the system reflects that a warrant has been issued for the person in question, the dispatcher will either advise the member to contact the Central Records Section (Hot Desk) to confirm that the warrant is available for pick-up prior to the person's arrest or provide the member with an out-of-jurisdiction telephone number so the out-of-jurisdiction warrant can be confirmed. No arrest shall be made on a warrant until the validity of the warrant has been confirmed.
- 8.2. Members are not required to have the warrant in their possession when making an arrest.
9. Members shall ensure that the suspect is the person for whom the warrant was issued, which may be achieved through an identification check, check against a photograph, fingerprint verification, etc.
10. Members shall ensure all arrest warrants are served as soon as practicable.
11. Members shall make every effort to ensure the time and place of warrant service accounts for the safety of the person, the member, and the public.
12. To the extent safe and practical, the member shall allow the person to dress or cover themselves for modesty, religious purposes (such as head scarfs), or for winter weather. To the extent safe and practical, the member shall not arrest people who are nude or partially-nude. The member shall allow people to put on shoes or a coat if they are readily available. The member is responsible for affording basic dignity whenever possible.
- NOTE:** Prior to the person dressing or covering themselves, the member shall make reasonable efforts to ensure weapons, contraband, and evidence are not obtained or destroyed.
13. The member shall ensure sufficient members and, as necessary, appropriate partner organizations are on-scene when warrant service is requested, based upon factors such as: known criminal history, age, physicality of the person; potential presence of weapons; the presence of friends, family members, children; the presence of individuals in crisis; etc.
14. When making an arrest, the member shall notify the person of the existence of the warrant and the type of offense(s) charged. Inform the person that they will receive a copy of the warrant and accompanying documents from the court commissioner during presentment.
15. Upon making an arrest, the member shall conduct a search incident to arrest as directed by Policy 1109, *Warrantless Searches*.
16. Unless the person is injured or requires medical attention, including if the person requests medical attention, the member shall transport the person for processing at Central Booking and Intake Facility (CBIF) without unnecessary delay and no later than 24 hours after arrest (See Policy 1114, *Persons in Police Custody*).
- NOTE:** Arrestees may require transport to the appropriate detective unit for interrogation or debriefing prior to being transported to CBIF. Members shall conduct their questioning per Policy 1105, *Custodial Interrogations*, and shall promptly transport the arrestee to CBIF for processing once completed.

17. If a member executes an arrest warrant for felony charges, the member shall consult with the primary investigator prior to transporting the person from the scene to discuss evidence preservation and other steps that may be required for the investigation.

Execution of Arrest Warrants at Primary Residences

18. Members have authority to enter, search for, and arrest the wanted person inside of their primary residence. The member may do so if they have reasonable articulable suspicion BOTH that the person lives in AND is inside of the residence. As such, members shall not enter a home in search of a person based solely on a person's mailing address without possessing reliable information that the person is also inside the residence.

NOTE: Some specific facts that may be considered to determine the person's presence before deciding to enter the home may include, but are not limited to, hearing the person's voice, seeing the person through the window, seeing the person entering the home, the person's car is outside the house, and/or a family member or friend tells the BPD member that the person is inside the residence.

19. Members should take steps to minimize the trauma to children and bystanders in the residence and minimize any escalation of force during the service of the arrest warrant. In addition, refer to procedures outlined in Policy 1204, *Safeguarding Children of Arrested Parents*, which include whenever reasonable and safe to delay or make the arrest in a location away from the child's sight and hearing as well as not leaving the scene until the child is in the care of a caregiver, and if practical, make arrangements in advance to have representatives from Child Protective Services and/or appropriate partner organizations.

Execution of Arrest Warrants at Locations Other Than the Suspects' Residence

20. An arrest warrant does NOT authorize entry into non-public locations where the wanted person does not live.
21. If a member desires to enter a non-public location other than the wanted person's residence to serve an arrest warrant, members shall obtain a search warrant to enter that location or have an exception to the warrant requirement that would allow entry (See Policy 1109, *Warrantless Searches*).

Forced Entry

22. Forced Entry into the wanted person's residence may be necessary to arrest them. Members shall use the least amount of force that will accomplish an entrance without jeopardizing the safety of the entry team or any person.
23. Prior to Forcing Entry, members shall, where practical:
 - 23.1. Determine whether it is possible to make a plan prior to entry, to include accounting for the possibility of a ruse to draw the person out of the residence in order to reduce the risk of property destruction or harm to others, the possibility that children will be present, the possibility that animals will be present, etc., and plan for those circumstances.

NOTE: For this and all Critical Decisions, members must utilize the Critical Decision-Making

Model prior to making a decision. This involves: Collecting Information; Assessing the situation; Considering police powers and agency policy; Identifying options and determining the best course of action; Acting and re-assessing.

- 23.2. If a member determines that Forced Entry is necessary, notify the Communications Unit if additional units are needed to safely and effectively conduct the Forced Entry.
- 23.3. Members shall request a permanent-ranked supervisor respond to the scene if one is not already present.
- 23.4. Members shall ensure a perimeter is established to maintain proper visual surveillance of the target location.
- 23.5. Members shall obtain all necessary equipment before going to the scene.
- 23.6. Members shall knock forcefully on the door at least two times and in a loud voice, identify themselves as Baltimore Police Officers. State that they have an Arrest Warrant, and the name of the wanted person and demand the door to be opened or have the person come out.
 - 23.6.1. If a response is heard, the members shall identify themselves again as police officers, state that they have a warrant and demand the door to be opened. If the occupant refuses to open the door after a reasonable amount of time an occupant would take to access the door, based on the size of the location, the members may use force to gain entry. Announce loudly for any inhabitants to stand back from the door and that force is about to be employed. Members shall use the least amount of force that will accomplish an entrance without jeopardizing the safety of the entry team.
 - 23.6.2. If the members hear no response after the initial demand for entry after a reasonable amount of time an occupant would take to access the door, based on the size and the location, the members may use force to gain entry. Announce loudly for any inhabitants to stand back from the door and that force is about to be employed. Members shall use the least amount of force that will accomplish an entrance without jeopardizing the safety of the entry team.

EXCEPTION: Exigent circumstances, such as a hot pursuit, may evolve rapidly, at which time a Forced Entry may be justified without the ability to complete the above directives.

24. Members shall remain respectful of the property being entered, minimizing disarray, disruption, or property damage.
25. Members shall also take photographs or video to document any damage to the area where entry was forced.

Searching the Location

26. Authorization for an arrest does not, on its own, authorize a search of the location. Once the members have gained entry into the residence, they shall conduct a thorough search for the person, limited to the areas a person could hide, and solely for the purpose of locating the person.

27. If the person is arrested, the members may search the area of immediate control of the person for weapons, contraband that cannot be taken to CBIF, or evidence.
28. Members are also allowed to conduct a protective sweep of the area immediately adjoining the location of the arrest. A “protective sweep” is a limited search for people who may pose a danger that police are allowed to conduct to protect themselves and the wanted person while they conduct an arrest and transport the person from the scene, subject to the above limitations. The search is limited to places where there is reason to believe people who may pose a threat could be found. A search beyond that requires reasonable suspicion that there may be someone else in the location who could pose a danger to the officers or others.

Documentation

Member

29. The member who served the warrant shall complete an Incident Report to include the following:
 - 29.1. The warrant number,
 - 29.2. Date and time of the service of the warrant,
 - 29.3. Attempts to gain entry by knocking,
 - 29.4. The name of the member who knocked on the door,
 - 29.5. If entry was forced, the reasons for Forced Entry, time of Forced Entry, the points of Forced Entry and areas searched with interior descriptions,
 - 29.6. Where the person was found, and the name of the member who located the person,
 - 29.7. The number of photographs taken or video filmed,
 - 29.8. Identity of the members involved in the service of the warrant.
 - 29.9. An attached legible copy of the arrest warrant (multiple images may be necessary to ensure legibility),
 - 29.10. Any photographs or video taken, and
 - 29.11. Inventory of any property seized during a search incident to the defendant’s arrest from the person, from their wingspan, or items in plain view.
30. See Policy 1114, *Persons in Police Custody*, for guidance if transporting the person.
31. If neither the warrant nor the true test copy can be obtained within 24-hours of the time the person was taken into custody, release of the person will be facilitated by CBIF pursuant to Maryland Rule 4-212.

Role of Hot Desk

32. The Hot Desk Supervisor will ensure every effort is made to locate the original warrant or a true test copy.
33. If neither the warrant nor the true test copy can be obtained within 24-hours of the time the person was taken into custody, release of the person will be facilitated by CBIF pursuant to Maryland Rule 4-212.
34. The Hot Desk Supervisor will notify the Warrant Apprehension Task Force (WATF) Commander or Supervisor when a warrant is issued or served in Baltimore City charging a person with:
 - 34.1. Murder,
 - 34.2. Attempted Murder,
 - 34.3. Assault First Degree (involving serious bodily injury),
 - 34.4. Arson,
 - 34.5. Robbery,
 - 34.6. Rape,
 - 34.7. Felony Sex Offense,
 - 34.8. Child Abuse or Sexual Abuse, and
 - 34.9. Juvenile Escape
35. Upon receipt of a directive from the WATF Supervisor or Commander, the Hot Desk Supervisor shall ensure that felony warrants are not sent to other jurisdictions. This will prevent out-of-jurisdiction officers from attempting warrant service which could compromise on-going investigations.
36. When, on a warrant check, a member receives positive confirmation of the existence of a valid out-of-state warrant, the Hot Desk will send a hit confirmation to the jurisdiction that issued the warrant to identify if the issuing jurisdiction will extradite the person.

Assisting an Out-of-Jurisdiction Agency in Baltimore City**Member**

37. Members may attempt warrant service on a person based on reliable, specific information received from another law enforcement agency, provided the warrant service is in accordance with the provisions of this policy. BPD members shall decline to enter the residence of the person, or assist the out-of-jurisdiction agency, unless the BPD member is convinced that the entry is authorized under this policy.

38. Members shall serve any out-of-jurisdiction warrant following the procedure used for any Baltimore City warrant, ensuring the warrant contains the following information prior to service:
 - 38.1. Warrant number, date of issue, issuing authority, and issuing agency,
 - 38.2. Charges,
 - 38.3. Person's full name,
 - 38.4. Person's date of birth,
 - 38.5. Person's physical description,
 - 38.6. Date, time, and name of the member authorizing the warrant,
 - 38.7. The issuing court's address,
 - 38.8. Recommended bond, if any, and
 - 38.9. The county and the state where the warrant was issued.
39. Members shall review the arrest warrant and any other information provided by the member of the foreign jurisdiction. A warrant for the arrest of a wanted person will be honored if it is received from a law enforcement agency, correctional agency, or other public authority with powers of prosecution and extradition.
40. If necessary, members shall arrange for transportation of any arrestee to the appropriate booking facility.
41. Members shall complete an Incident Report to include:
 - 41.1. Name, rank and assignment of all involved foreign agency and BPD personnel,
 - 41.2. Type of arrest warrant,
 - 41.3. Warrant number,
 - 41.4. Name and address of the person listed on the warrant,
 - 41.5. Any injuries to the person, and
 - 41.6. If Forced Entry or any other unusual events occurred.

Maryland Parole Commission Retake Warrants

42. Parole violators arrested on a Maryland Parole Commission retake warrant who are not the subject of other warrants or charges are to be transported directly to the Maryland Reception Diagnostic and Classification Center located at 550 East Madison Street.

Federal Flight Warrants

43. WATF shall contact the United States Marshalls Service for apprehension assistance for wanted persons who have left the state of Maryland.

RESCISSION

Rescind Policy 1104, *Arrest Warrants*, dated 9 February 2021.

REFERENCED POLICIES

Policy 824, *Body-Worn Camera.*
Policy 1101, *Warrant Application Review Panel*
Policy 1105, *Custodial Interrogations*
Policy 1106, *Warrantless Arrest Procedure and Probable Cause Standard*
Policy 1109, *Warrantless Searches*
Policy 1114, *Persons in Police Custody*
Policy 1204, *Safeguarding Children of Arrested Parents*

COMMUNICATION OF POLICY

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