



Policy 1007

Subject SEARCH AND SEIZURE WARRANTS	
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By Order of the Police Commissioner

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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:

"That 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 to be granted."

DEFINITIONS

Case Explorer — The case management tool created and maintained by the High Intensity Drug Trafficking Areas (HIDTA) program that allows users to store data about cases, groups, and events. The software is designed to perform Deconfliction by crosschecking certain fields of data to look for target matches (e.g., same target listed within two or more cases) and conflicts (e.g., two events in close proximity to one another within the same date and time frame)

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:

1. **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 and Seizure Warrants. When certain elements (e.g., time, date, location) are matched between two or more events, conflict results, and immediate notification is made to the affected agencies or personnel regarding the identified conflict. The goal of Event Deconfliction is to prevent blue-on-blue incidents and maintain officer safety.
2. **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 and Seizure 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 non-traditional areas where an individual has a legitimate expectation of privacy, which can include garages, sheds, storage units, trailers, tents, houseboats, as well as any other out-buildings or adjoining structures to a residence that have been modified to accommodate human habitation.

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 unless an extension is obtained.

Search and Seizure Warrant (Search Warrant) — A written order, issued by the court, authorizing and directing a member to seize and search a specified person, premises, vehicle, dwelling or other location in

order to seek and seize and recover contraband or evidence related to the commission of a crime. A Search and Seizure Warrant is applied for through a *Search and Seizure Warrant Application* and an *Affidavit in Support of the Search and Seizure Warrant Application*.

Search and Seizure Warrant Tracker — The BPD created and maintained system that captures information and builds reports related to the issuance of Control Numbers, Deconfliction Numbers issued from HIDTA's Case Explorer, Risk Assessment Scores, and the Return of either served or expired Search and Seizure Warrants.

GENERAL

1. All Search and Seizure Warrants shall 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.

NOTE: Many Circuit Court judges are cross-designated as both Circuit and District Court judges, giving them state-wide jurisdiction. Members shall ensure that warrants are sought only from judges with jurisdiction to authorize the Search and Seizure Warrant.

2. A permanent-rank supervisor shall 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 shall be present during the execution of all Search and Seizure Warrants.

EXCEPTIONS TO 2 & 3: A permanent-rank supervisor or uniformed member is not required to be present during the execution of a Search and Seizure Warrant for an unattended vehicle as long as the search is captured on body-worn camera (BWC) or for the collection of forensic evidence (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 shall be executed within 10 calendar days after the day that the Search and Seizure Warrant is issued.
6. Members shall conduct all searches 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 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, shall 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 will be void after the expiration of the 10-day period and shall be returned to the issuing judge within 10 days after its expiration or, in that judge's absence, to another judge of the same circuit or district.
9. Typically, the execution of a Search and Seizure 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. 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

11. 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.
12. 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

13. The member shall consult with their supervisor for guidance and approval prior to obtaining a Search and Seizure Warrant.

Deconfliction Notification

14. As soon as a target suspect or address is identified as part of a long-term investigation, and before an *Application for Search and Seizure Warrant* is submitted for judicial review, the member shall Deconflict the location using Case Explorer¹ and receive a Deconfliction number. Members are reminded that this Deconfliction process is designed to promote member safety through identifying locations where potential operational conflicts exist. Ensure the names of contact persons are documented.

NOTE: A long-term suspect can and should also be Deconflicted to avoid exhausting resources and interference.

15. Event Deconfliction shall be sought by the member when planned operations may present an officer safety risk should other sworn members be on-scene or in proximity to the operation.

¹ Members must complete HIDTA's training requirements (to include certification in 28-CFR Part 23) in order to utilize the Case Explorer software and to have an account created in order to obtain the Deconfliction Number that must be submitted to the 'Search and Seizure Tracker' in order to obtain the Control Number.

16. 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 and Seizure Warrant requires Dynamic Entry into a Dwelling, Event Deconfliction shall be submitted by making the required entry into Case Explorer prior to the warrant being executed.
17. 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:
 - 17.1. Persons or property already being held by a law enforcement or public safety officer or agency such as the search of vehicles held on scene, at a district lot/garage, or the Crime Lab bay;
 - 17.2. Search and Seizure Warrants for *any* crime scene currently held by uniformed officers;
 - NOTE: A 'held' location is one in which Dynamic Entry to secure the Dwelling is no longer necessary.
 - 17.3. Property held at a booking facility or by the Evidence Management Unit;
 - 17.4. Body Cavity Searches (see [Policy 1013, Strip Searches and Body Cavity Searches](#));
 - 17.5. Intangible evidence such as vehicle GPS, phone GPS or cell site data; video footage stored on cloud-based data storage; and social media accounts;
 - 17.6. Evidence that would not require Dynamic Entry such as a DNA swab; or
 - 17.7. Evidence held by third parties.
18. 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.
19. Upon receiving a Deconfliction Number from Case Explorer (HIDTA), the member shall obtain a BPD tracking control 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.
20. 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.
21. 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 Bureau may use its discretion in seeking Target Deconfliction, where practical, during murder, death, non-fatal shooting, and robbery investigations.
22. Whenever it becomes necessary in the investigation, and there is sufficient Probable Cause, the member shall 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

23. The member shall include in the Search and Seizure Application 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. (See *Application and Affidavit for Search and Seizure Warrant*, Form 187).
- 23.1. 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*.
- NOTE:** Where practical, this should be a picture taken by a member, or obtained from BWC or similar source. Use of third-party pictures is not preferred as the location may have changed since the picture was taken. A third-party picture may not be used unless the member has verified its accuracy or any inaccuracy is accounted for in the application.
24. The member shall include in the Search and Seizure Application an accurate, detailed description of the person or things intended to be seized.

No-Knock Warrant

25. If a No-Knock Search and Seizure Warrant is requested, the 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* section on the bottom of the *Search and Seizure Warrant Application* authorizing a No-Knock entry.
26. 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 Maryland Police and Correctional Training Commissioner (MPCTC) approved No-Knock Warrant service training may execute the warrant service.
27. If application is for a No-Knock warrant, the member shall include in the application an accurate, detailed description of the basis for seeking a No-Knock Warrant, including:
- 27.1. A description of the evidence in support of the application,
- 27.2. 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,
- 27.3. An explanation of why the affiant is unable to detain the suspect or search the premises using other, less intrusive means,
- 27.4. Acknowledgement that any members who will execute the Search and Seizure Warrant have successfully completed the same training in breach and call-out entry procedures as SWAT team members,
- 27.5. A statement as to whether the Search and Seizure Warrant can effectively be executed during daylight hours and, if not, what facts or circumstances preclude effective execution in daylight hours, and

NOTE: A No-Knock Search and Seizure Warrant shall be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances.

- 27.6. 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.

Affidavit in Support of Search and Seizure Warrant

28. The member (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. The member (affiant) shall include in the *Affidavit* 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 shall 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 member (affiant) shall include in the *Affidavit* any material information – known at the time the *Affidavit* was presented – that would undermine or otherwise 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 that 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*.
31. The member (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 without clearly and explicitly detailing its falsity to the reviewing judge. Use only the designated forms referred to within this policy.
32. The member (affiant) shall submit the *Affidavit* to their permanent-rank supervisor and the 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, the member (affiant) shall 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 North Calvert Street, who will notify the duty judge.
34. The member (affiant) shall ensure the following copies of the above documents are generated:
 - 34.1. **First Copy:** Given to the issuing judge.
 - 34.2. **Second Copy (unsigned):** 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. **Original Warrant:** Returned to the issuing judge upon execution or expiration.
 - 34.6. **Sealing Order:** Same copying sequence as warrant, when applicable (see Appendix A).

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. Supervisors shall ensure Event Deconfliction occurs 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. Additionally, if the member's Search and Seizure Warrant requires Dynamic Entry into a Dwelling, the supervisor shall ensure Event Deconfliction is submitted by making the required entry into Case Explorer prior to the warrant being executed.

Preparing to Execute a Search and Seizure Warrant**Member**

39. Identify and document the member who is in charge of executing the Search and Seizure Warrant (Team Leader).
40. The member shall identify the target location.
41. The member shall present the warrant to the supervisor and include the following information for review and pre-raid preparation:
 - 41.1. A current sketch/photograph of the target location;
 - 41.2. Safety factors to consider for known possible vulnerable inhabitants of the location. This includes, but not limited to:
 - 41.2.1. Infants, small children, elderly or disabled persons;
 - 41.2.2. Persons with medical conditions, mental illness, or other physical or developmental disabilities; or
 - 41.2.3. People who are deaf or hard of hearing.
 - 41.3. And the possibility that animals may be present.
 - 41.4. This information shall be useful in assisting with the thorough completion of the *Search and Seizure Warrant Risk Assessment, Form 318* (see Appendix C). Include additional details in the "Special Circumstances" section.
42. The member shall complete a *Search & Seizure Warrant Risk Assessment, Form 318*, 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.
43. The member shall 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 shall 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 shall adhere to the tactical plan throughout the entire warrant execution process.
44. Team members shall 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
- 45. Unless approved by the Lieutenant, Special Operations Section, the use of flash-bang or stun devices is prohibited during the execution of Search & Seizure Warrants.
- 46. The member shall 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

- 47. The supervisor shall make appropriate notification to SWAT when:
 - 47.1. Approving a No-Knock Warrant Application and Affidavit,
 - 47.2. Required based on criteria set forth within the *Search and Seizure Warrant Risk Assessment* (see Appendix A), and/or
 - 47.3. 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. (Directive for SWAT below).

- 48. The supervisor shall prepare a complete tactical plan detailing all team members' duties. The plan shall include:
 - 48.1. Each member to be involved and the duties of each member.
 - 48.2. Plan for approach (e.g., how will the building be covered, who will be where, etc.).
 - 48.3. A proposed hospital route in case any member or civilian is injured during the execution of the Search and Seizure Warrant.
 - 48.4. A plan to prioritize and ensure the safety of vulnerable individuals, if present. If possible, consider delaying executing the warrant to a time when the vulnerable individual(s) is/are not home. If delay is not possible, arrangements should be made in advance to have representatives from the appropriate partner organizations. (See [Policy 1204, Safeguarding Children of Arrested Parents](#) and [Policy 712, Crisis Intervention Program](#)).
 - 48.5. A reasonable contingency plan, including equipment to obtain, to control/avoid dangerous animals, if present, without using deadly force. If practical to do so, contact Animal Control Supervision within 24 hours prior to executing a warrant to have Animal Control present.

- 49. The supervisor shall conduct a tactical meeting with all members participating in the execution of the Search and Seizure Warrant. All Search and Seizure Warrant tactical meetings shall 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:

49.1. Entry Team.

49.2. Arrest Team.

49.3. Search/Recovery of Evidence Team.

49.4. 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

50. Members shall activate their body-worn camera prior to executing a warrant, as per [Policy 824, Body-Worn Camera](#).
51. Members shall continually monitor and assess the level of threat present, up to the knock. If additional risk factors arise, notify the permanent-rank supervisor immediately.
52. Members may only execute a No-Knock Warrant between 0800 and 1900 hours, unless specific, articulable exigent circumstances exist that would preclude serving the warrant during that timeframe.
53. 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](#)).
54. The member assigned to knock shall forcefully knock on the door and in a loud voice, identify themselves as a police officer, state that they have a Search and Seizure Warrant, and demand that the door be opened.
 - 54.1. If a response is heard, the member shall identify themselves again as a police officer, state that they 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. The member shall announce loudly for any inhabitants to stand back from the door and that force is about to be used.
 - 54.2. 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. The member shall 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.

55. Once entry has been gained, members shall immediately and continually identify themselves 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: A Search and Seizure Warrant does not authorize a search of 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](#), [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 and Seizure Warrant in a public place, police may detain persons present only if there is reasonable suspicion that criminal activity is occurring 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.

56. Members shall inquire with persons inside if any child is present or expected to be present, or if the person(s) is/are arrested, ask if they are a parent and need arrangements for supervision. (See [Policy 1204, Safeguarding Children of Arrested Parents](#)).
57. The member shall show a signed copy of the Search and Seizure 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. If the warrant is sealed, the member shall show the Warrant with the Sealing Order instead of the Affidavit.
58. In executing the search, members may not exceed the scope of the Warrant.
59. 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.
60. 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.
61. Where practical, the photographing member shall use numbers (beginning with "1") to indicate evidence recovery locations and take photographs of evidence/property with the number visible in the photograph.
62. Members shall ensure that all recovered dangerous weapons must be rendered safe.
63. The lead member shall prepare a post Search and Seizure 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.
64. The lead member shall complete the "Return" (property taken listing), 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.

65. The lead member shall leave an unsigned copy of the Warrant, with completed "Return," with:
- 65.1. The person from whom the property was seized, or
 - 65.2. The owner/agent of the location from which the property was seized.
66. If the owner/agent is not present, the lead member shall leave a copy of the warrant in a conspicuous place at the location searched. The member shall **NEVER** leave a copy of a Warrant with the judge's signature.
67. Members shall not leave on the premises or with the person searched an *Affidavit in Support of Search and Seizure Warrant* for criminal activity that has been sealed by a judge. 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*.
68. The lead member shall complete a *Property Seizure Receipt, Form 57*, (Appendix C) for each presumptive owner of property that was seized, and provide a copy of the Property Seizure Receipt to the presumptive property owner.
69. The lead member shall update the Search and Seizure Warrant Tracker upon execution, expiration and return of a Search and Seizure Warrant.

Permanent-Rank Supervisor

70. A permanent-rank supervisor shall 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 an unattended vehicle as long as the search is captured on BWC or for the collection of forensic evidence (e.g., blood, DNA, electronic signatures and/or files, etc.), unless a Dynamic Entry is needed to obtain the evidence.

71. The supervisor shall 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).
72. The supervisor shall ensure additional supervisors are present when two or more Search and Seizure Warrants are scheduled for simultaneous or consecutive execution.
73. The supervisor shall ensure sufficient members are positioned outside the location to cover all potential escape routes.
74. The supervisor shall 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.
75. The supervisor shall ensure that all seized property is properly inventoried and submitted to the Evidence Control Unit (see [Policy 1401, Control of Property and Evidence](#)).

DNA Warrants

76. When executing DNA Warrants, the member shall:
- 76.1. Introduce themselves consistent with the investigative stop requirements of [Policy 1112, Field Interviews, Investigative Stops, and Weapons Pat-Downs](#).
 - 76.2. In addition to all other requirements, advise the individual named in the Warrant that the member has a Search and Seizure Warrant for their DNA.
 - 76.3. Advise the individual that they are not free to leave. If necessary, the individual may be detained consistent with an investigative stop under [Policy 1112, Field Interviews, Investigative Stops, and Weapons Pat-Downs](#).
 - 76.4. Explain how the Warrant will be executed.
 - 76.5. If the individual refuses to cooperate, advise them that they do not have the right to refuse and that refusal to cooperate may result in them being taken into custody and transported to a medical facility, and that the Warrant will be executed there to ensure that it is done safely.
 - 76.6. If the individual refuses to cooperate, determine whether the person should be detained in order to carry out the order. This determination shall be based on the needs of the case and the ability of members to safely take the individual into custody. If the individual still refuses to cooperate, members may transport them to a medical facility and execute the Warrant at that location.
 - 76.7. For safety and security reasons, when obtaining a DNA swab or similar sample from a person who refuses to cooperate, the member shall have the DNA swab conducted under sanitary conditions with medical staff nearby in case of an emergency. This may include in an ambulance, at a detention facility with medical personnel available, or in a medical facility.
 - 76.8. Have the DNA swab performed consistent with training by an individual certified to do so.
 - 76.9. Obtain DNA blood samples by a medical professional under sanitary conditions.

Documentation

Member

77. The lead member, with collaboration from other search team members, shall complete an Incident Report and any relevant designated fields with the following information:
- 77.1. Indicate if the Warrant was an authorized No-Knock Search and Seizure Warrant.
 - 77.2. Attempts to gain entry by knocking.
 - 77.3. The name of the member who knocked on the door.
 - 77.4. Reason(s) for forced entry, when applicable.
 - 77.5. Description of any use of a firearm (see [Policy 1115, Use of Force](#) for further documentation guidance in these instances).

- 77.6. Points of forced entry, areas searched and interior description.
- 77.7. The location(s) where evidence was **first** found and seized. Complete the applicable fields for evidence recovered in the Property card.
- 77.8. The name of the member who **first** found and seized the evidence.
- 77.9. The number of photographs taken.
- 77.10. Date, time and name of the judge who signed the Warrant.
- 77.11. Identify the exact location of persons present upon entry.
- 77.12. If anyone who is not the target of the Warrant was detained, add Name sections for them in the Incident Report and document in the Narrative the reasons those persons were detained and the duration of the detention(s).
- 77.13. Identity of the members of the search team to include the identity of the uniformed members.
- 77.14. Name of person with whom Warrant and Inventory Receipt was left, or location where Warrant was left if no one was present. If left in a location, include a picture of the Warrant in the location. The picture should be legible enough to identify the Warrant and include surrounding details that indicate the location. For example, if it is left on a kitchen table, include a picture that shows the table and its location in the Dwelling. More than one picture may be necessary.
- 77.15. All necessary information in order to identify all BWC footage of the incident through titling, categorizing and linking using the ID field (see [Policy 824, Body-Worn Cameras](#)).
- 77.16. Attach copies of any photographs and documents to the Incident Report.
- 78. The lead member shall prepare and maintain a case folder including a copy of the warrant, sketch of the location, photographs taken, and all related reporting.
- 79. The lead member shall 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).
- 80. The lead member shall submit the Warrant Return information into the Search and Seizure Warrant Tracker within 10 business days of the warrant's execution, or earlier if stipulated in the Search and Seizure Warrant (see Appendix C).

Permanent-Rank Supervisor

- 81. The supervisor shall review the completed Incident Report and related documents for legibility, completeness and accuracy.
- 82. If any deficiencies are detected (e.g., any of the information outlined in #77.1.-77.16. above is missing), the supervisor shall return to the Incident Report to the lead member for proper completion.
- 83. The supervisor shall review verified inventory to be returned to the court.

84. The supervisor shall 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, or earlier if stipulated in the Warrant.
85. The supervisor shall ensure the return of a Search and Seizure Warrant that was not executed to the issuing judge within 10 days after its expiration or, in that judge's absence, to another judge of the same circuit or district.
86. The supervisor shall ensure the lead member submits the Warrant Return information into the Search and Seizure Warrant Tracker within 10 business days of the Warrant's execution, or earlier if stipulated in the Warrant (See Appendix C).

REQUIRED ACTIONS

SWAT

87. SWAT will immediately review each Search and Seizure Warrant request made by a Permanent Rank Supervisor as outlined in [#47](#) above.
88. The SWAT Shift Commander shall review the circumstances permitting No-Knock Warrant service requests. If they determine that executing the No-Knock Warrant is not necessary, they shall authorize the requesting Supervisor to serve the Warrant as a Knock-and-Announce Warrant.
89. When requested and necessary, the SWAT Shift Commander shall assume full control of the tactical warrant execution operation.
90. The SWAT Shift Commander shall debrief the ranking on-scene supervisor and all other members who have pertinent information concerning the Warrant service.
91. For the purposes of meeting Maryland reporting requirements, the SWAT Commander shall report to the Data-Driven Strategies Division the number of times in the previous year a SWAT team was deployed to execute a Search and Seizure Warrant.

Data Driven Strategies Division, Watch Center (DDSD)

92. DDSD shall maintain the Search and Seizure Warrant Tracker to track whether each Search and Seizure Warrant was served or unserved, the date of each Warrant execution, and the date of Warrant return to the court.
93. DDSD shall maintain, in a central location, a compliance log listing:
 - 93.1. Each Search and Seizure Warrant;
 - 93.2. The name of the member who applied for the Search and Seizure Warrant;
 - 93.3. The supervisor(s) who reviewed and approved or disapproved the Search and Seizure Warrant Application; and
 - 93.4. Whether it was a No-Knock Warrant.
94. DDSD shall report the following data on an annual basis to the Maryland Police Training and Standards Commission (MPTSC):

- 94.1. The number of times a No-Knock Warrant was executed in the previous year.
- 94.2. The zip code of the location where each No-Knock Warrant was executed.
- 94.3. For each Search and Seizure Warrant executed, the number of days from its issuance until the execution of the Search and Seizure Warrant, separated by whether the Search and Seizure Warrant was a No-Knock Warrant.
- 94.4. The legal basis for each No-Knock Warrant issued.
- 94.5. The number of times a Search and Seizure Warrant was executed using Dynamic Entry into the building, apartment, premises, place, thing, or Dwelling specified in the Warrant.
- 94.6. The number of times SWAT was deployed to execute a Search and Seizure Warrant , based on SWAT's reports.
- 94.7. The number of arrests made, if any, during the execution of a Search and Seizure Warrant.
- 94.8. The number of times property was seized during the execution of a Search and Seizure Warrant .
- 94.9. The number of times a weapon was discharged by a member during the execution of a Search and Seizure Warrant .
- 94.10. The number of times a person or domestic animal was injured or killed during the execution of a Search and Seizure Warrant, disaggregated by whether the person or animal was injured or killed by a member.

APPENDICES

- A. Sealing Order – Front (Form 349), page 1 Sealing Order – Back, page 2
- B. Search and Seizure Warrant Risk Assessment (Form 318)
- C. Property Seizure Receipt (Form 57)

REFERENCED POLICIES

[Policy 712, Crisis Intervention Program](#)
[Policy 824, Body-Worn Camera](#)
[Policy 1005, Non-Uniformed Policing Standards](#)
[Policy 1013, Strip Searches and Body Cavity Searches](#)
[Policy 1109, Warrantless Searches](#)
[Policy 1112, Field Interviews, Investigative Stops & Weapons Pat-Downs](#)
[Policy 1114, Persons in Police Custody](#)
[Policy 1115, Use of Force](#)
[Policy 1204, Safeguarding Children of Arrested Parents](#)
[Policy 1401, Control of Property and Evidence](#)
[Policy 1504, Departmental Uniforms and Equipment](#)

RESCISSION

Rescind Policy 1007, *Search and Seizure Warrants*, dated 1 November 2021 and PCM 21-03, *Deconfliction of Events and Targets*, dated 17 June 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**Sealing Order (Form 349) – Front, page 1**

**IN RE SPECIAL INVESTIGATION
IN THE CIRCUIT COURT FOR BALTIMORE CITY**

SEALING ORDER

WHEREAS the affidavit in support of the attached Application for Search and Seizure Warrant and Search and Seizure 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 will jeopardize the use of information already obtained in the investigation, impair the continuation of the investigation, and will jeopardize the safety of a source of information; and

WHEREAS the criminal investigation involves inquiries into alleged criminal activities in violation of criminal law _____ and other
Insert statute reference and corresponding criminal offense.

criminal laws of the Maryland Annotated Code; and

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

WHEREAS this Order is issued on a finding of good cause pursuant to all of the above; 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, vehicles and items so identified therein as: *(Insert description of vehicle, place, person, or item to be searched)*

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 B

Search and Seizure Warrant Risk Assessment (Form 318)

SWAT
Search and Seizure Warrant Risk Assessment
Form 03/318

POLICE DEPARTMENT
BALTIMORE, MARYLAND

CC#

Date

SEARCH AND SEIZURE WARRANT RISK ASSESSMENT

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 <i>WITH ASSESSMENT OF 25 OR MORE POINTS - CONSULT WITH S.W.A.T.</i>	X
0-20 Points	RISK LEVEL 1 – Low	X

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

Property Seizure Receipt (Form 57)

Form 57/16 Baltimore Police Department Property Seizure Receipt		Date:	Time:
		CC#:	Property#:

Property Type (please check all that apply):

1. ☐ Currency (Amount \$ _____) 2. ☐ Vehicle 3. ☐ Weapon(s) 4. ☐ 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? ☐ Yes ☐ 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.