



Lincoln Police Department

Standard Operating Procedures

Integrity, Competency, Fairness



Subject:	Search Warrants	Policy #	O-24
Effective Date:	May 22, 2025	Review Cycle:	2 Years
Distribution:	All Sworn Personnel	# of pages:	5
MLEAP:	7.08.A, B, C	MCJA Mandatory Policy	
	Rescinds All Previous Policies Related To This Current Policy		
Issuing Authority:	Chief of Police Lee Miller		

I. POLICY

It is the policy of the Lincoln Police Department to provide techniques to accomplish a thorough and legal search; respect the constitutional rights of the person(s) upon whom the warrant is being served; minimize the level of intrusion experienced by those who are having their premises searched; provide for the safety for all persons concerned; and establish a record of the warrant execution process. This law enforcement agency prohibits the execution of an unannounced search warrant unless there is a valid exemption. Officers must abide by this policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees. **BOT 14-1, 14-9**

II. PURPOSE

To establish procedures for obtaining and executing search warrants. It is intended to facilitate a coordinated and efficient system for obtaining and executing search warrants and to ensure that all searches are conducted within legal parameters. This policy is not intended to describe or establish legal requirements concerning search warrants. Those matters should be discussed with and handled by the appropriate prosecuting attorney.

III. DEFINITIONS

Primary Officer: The officer responsible for the investigation, and preparing, planning, and implementing the search warrant.

Search Site: The premises to be searched, as explicitly stated in the search warrant.

Search Personnel: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

Evidence Collector: Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.

Tactical Coordinator: The officer responsible for planning and supervising tactical operations to include dynamic entry and other tasks requiring special weapons and tactically trained officers.

Unannounced ("no-knock") Search Warrant: A warrant that authorizes the execution of the warrant without the officer first announcing the authority for the execution of the warrant and the purpose for which the warrant was issued. Any warrant is an unannounced warrant if it is executed without waiting for at least 20 seconds after the announcement of authority and purpose before making entry. **BOT 14-7**

Protective Sweep: A quick and limited search of the premises incident to an arrest or execution of a warrant to identify weapons or other dangers to officers or others. Officers must articulate a reasonable basis for conducting a protective sweep.

IV. PROCEDURES

A. Probable cause

MLEAP 7.08.A

Any officer wishing to obtain a search warrant shall discuss, verbally or by a written report, with the officer's immediate supervisor the facts and information that the officer believes establishes probable cause for such a warrant. Before applying for a search warrant, the immediate supervisor and/or a superior officer approve of seeking a search warrant.

It shall be the responsibility of the primary officer to obtain the search warrant from a magistrate authorized to issue a warrant.

B. Unannounced (No-Knock Warrants)

1. The prohibition against the execution of an unannounced search warrant does not apply if:
 - a. The warrant clearly states that providing notice or purpose prior to the execution of the warrant would create an imminent risk of death or bodily harm to a officer, an individual in the location named in the warrant, or an individual in the surrounding area(s) of the location named in the warrant, or **BOT 14-2 (a)**
 - b. A recognized exception to the requirement for a search warrant exists including, but not limited to, exigent circumstances. **BOT 14-2 (b)**
2. The existence of an imminent risk of death or bodily harm under the exception to the prohibition against an unannounced search warrant must be reviewed and verified by the warrant's issuing magistrate. **BOT 14-3**
3. An officer certified under *25 M.R.S. § 2804-C* shall be responsible for the direction, oversight, and control of the execution of an unannounced search warrant. **BOT 14-8**
4. Body Worn Cameras, *if provided*, are not mandated to record the execution of an unannounced search warrant; however, their use is highly recommended. **BOT 14-5**

C. Execution of Search Warrants

MLEAP 7.08.B

1. The primary officer shall advise and receive approval from the officer's supervisor before serving the warrant.
2. In the preparation of execution of any search warrant, the primary officer shall complete the Warrant Service Risk Assessment Form, make the appropriate query/entry into the NESPIN Deconfliction database, and complete a written Operational Plan. A supervisor with responsibility for mission oversight of the operation, after consultation with the Chief of Police or Captain, shall review and approve the Risk Assessment and OPS Plan prior to proceeding with briefing and warrant execution. The supervisor shall also ensure that all warrant applications have been reviewed and approved by an appropriate prosecutor.
3. Lincoln Police Officers assigned to assist another law enforcement agency with a warrant service shall ensure that (1) the search warrant application was reviewed and approved by a prosecuting attorney, (2) that a NESPIN Deconfliction query/entry was made, (3) that a Warrant Service Risk Assessment was objectively conducted and the requirements based upon the scoring are complied with, and (4) that there is a written operational plan for the mission. If any of these requirements are not met, Lincoln Police Officers are prohibited from participating in the execution of the warrant.
4. Selection of officers to execute the warrant shall be based on the officers' prior training and experience in conducting warrant executions consistent with the demands of the warrant execution in question.

5. The primary officer shall ensure the complete preparation for executing the warrant in accordance with its nature and complexity and in consultation with the appropriate prosecuting attorney, if necessary. These tasks include, but are not limited to, the following:
 - a. Gather intelligence on the target site to include the structure, immediate area surrounding the structure, and surrounding neighborhood. Verify target site address with location to be searched as listed in the search warrant.
 - b. Assess the capabilities and backgrounds of suspects to include criminal records, history of weapons usage, and potential for violence.
 - c. Determine the best time for warrant execution. The warrant shall be executed as soon as practicable.
 - d. Ensure the search warrant is thoroughly reviewed for accuracy, legal integrity, and completeness.
6. The primary officer and tactical coordinator, where required, must work cooperatively to ensure proper preparation, planning, and execution of the warrant. They shall detail procedures for executing the warrant to all team members in a warrant execution briefing. The briefing shall be conducted by both the primary officer and tactical coordinator and will include, but not limited to, the following:
 - a. The specific items subject to the search as defined in the warrant and any available information on their location.
 - b. Information concerning the structure to be search and surroundings, to include floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern.
 - c. Suspects and other occupants who may be present at the location, incorporating photos whenever possible with emphasis on suspect threat potential, as well as the presence of children, the elderly, or others who may not be involved with the suspects.
 - d. A complete review of the tactical plan to include the staging area, route of approach, individual assignments for; entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects.
 - e. Personnel, resources, or armament necessary for gaining entry, safety, and security of officers, or for conducting the search.
 - f. If it is a joint agency task force operation, all officers participating in the warrant execution shall be present and identified as members of the warrant execution team.
 - g. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications, or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.
 - h. Procedures for exiting the location under emergency conditions.
7. The entry team shall include uniformed officers who shall be conspicuously present when the warrant is executed. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive jacket or some other conspicuous indicator of office. **BOT 14-4 (a)**
 - i. Body Worn Cameras shall be worn in accordance with this agency's body worn camera policy. **BOT 14-4 (b)(c)**

D. Entry Procedures

1. If an advance surveillance team is at the search site, radio contact shall be made to ensure that the warrant can be executed according to plan.
2. The search personnel shall position themselves in accordance with the execution plan.

3. When an imminent risk of death or bodily harm exists, only officers trained in the use of stun or distraction, or other similar devices may use such a device during the execution of a search warrant. **BOT 14-6**
4. Notification
 - a. A clearly identifiable officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that s/he is a officer and has a warrant to search the premises, and that s/he demands entry to the premises at once.
 - b. After knocking and announcing their presence, officers must wait a minimum of 20 seconds before entering, allowing sufficient time for occupants to respond. However, entry may be made sooner if there is an imminent and articulable, legally justifiable reason. For example, if an officer observes or hears an occupant arming themselves, and waiting the full 20 seconds would jeopardize the safety of the officer's making entry, immediate action may be warranted. If there is no response by an occupant after 20 seconds, the entry team may make an entry
 - c. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.
 - d. Upon entry, the occupant shall be given a copy of the search warrant.

E. Search Procedures

1. After the site has been secured, a photographic and/or videotape record of the premises shall be made prior to conducting the search. Search personnel shall then follow the plan that details the likely whereabouts of the items to be seized and the order of operation for conducting the search.
2. Places that may reasonably be expected to contain the items specified in the warrant may be searched, and other items in plain view that are immediately recognized as evidence may be seized.
3. An Evidence Collector, designated in the plan, shall be responsible for coordinating the collection, preservation, and documenting all items seized until possession is transferred to the evidence custodian, laboratory, or other authorities.
4. Officers must exercise reasonable care in executing the warrant to minimize damage to property.
5. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until the premises can be properly secured.
6. If damage occurs, justification for actions that caused the damage, and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.
7. If items are taken from the search site, an itemized inventory shall be provided to the resident/occupant, or in their absence, left in a conspicuous location at the site.
8. In a timely manner upon conclusion of the warrant execution, the primary officer and tactical coordinator shall conduct a debriefing of all participating officers.
9. Thereafter, the primary officer shall prepare and submit an after-action report on the warrant execution, results of actions taken, and recommendations for further investigative actions.

F. Return of Warrant

MLEAP 7.08.C

After execution of the search warrant, the original warrant and affidavit shall be delivered to the Clerk of Courts. Those documents, including an inventory list, if any, shall be properly filled out. These documents are returnable to the court immediately following execution whether items were seized in the search or not. Search warrants must be executed and returned within fourteen (14) calendar days of issuance.

WARRANT SERVICE RISK ASSESSMENT

(Based on Assessment Compiled and Validated by the FBI, Current Case Law and Regional Crime Trends)

Risk assessment is based on facts and circumstances stated in the affidavit for the warrant, criminal history on suspects and targeted location, the details learned during the target scout, and intelligence gained from information gathered during the investigation.

Place an "X" in the relevant blocks and then place the relevant points in the "Score" column and total the points.

Score:

1-15 Points

Service of warrant can be handled by unit supervisor

**16-25 Points
required**

Consultation with Tactical Team Supervisor or designee

26+ Points

Tactical Team to handle warrant service

Elements	Points	X	Score
Search warrant is for evidence of property crimes only.	1		
Search warrant is for evidence of drug violations.	2		
Search warrant is for evidence of misdemeanor crimes against persons.	2		
Search warrant is for drug violations suspect(s).	4		
Search warrant is for suspect of felony crimes of violence.	5		
Arrest warrant is for crimes of violence.	5		
Arrest warrant is for property crimes.	1		
Execution requires no forcible entry.	1		
Execution requires use of breaching tools.	4		
Execution requires dynamic entry or breach and hold	6		
Target location has dog(s) for protection.	3		
Target location is heavily fortified and/or booby trapped.	15		
Target location contains unidentified person(s) engaging in felony conduct	5		
Target location contains multiple suspects	3		
Target location has video surveillance	3		
Suspect(s) have history of only property crimes.	1		
Suspect(s) have drug history.	1		
Suspect(s) have history of misdemeanor crimes against persons.	2		
Suspect(s) have history of drug trafficking.	3		
Suspect(s) have made statements indicative of resistance to service.	4		
Suspect(s) have history of felony crimes of violence.	5		
Suspect(s) have history of crimes of violence against officers.	5		
Suspect(s) have used firearms in the commission of crimes.	8		
Suspect(s) have prior military training	2		
Firearms are present at the target location.	3		
Suspect(s) known to carry or display firearms.	5		
Suspect(s) known to carry or display automatic firearms.	15		
Warrant is "knock and announce."	1		
Warrant is "no knock."	3		
TOTAL			

Investigating Officer: _____ Date: _____

Supervisor: _____ Date: _____