



# SEARCH AND SEIZURE WARRANTS

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If a provision of a regulation, departmental directive, rule or procedure conflicts with a provision of the contract, the contract prevails except where the contract provision conflicts with State law or the Police Collective Bargaining Law. (FOP Contract, Article 61)

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### I. **Purpose**

*The purpose of this directive is to detail the responsibilities, procedures, and considerations regarding the applying for and execution of search warrants. The information provided is intended to result in a lawful search which will withstand the rigors of court, as well as uphold the rights of community members.*

### II. **Policy**

*It is the policy of the Montgomery County Department of Police (MCPD) to utilize search warrants to further criminal investigations through the recovery of evidence. Search warrants can be utilized when probable cause has been established and after appropriate departmental and judicial review. Whenever it is necessary for officers to conduct search and seizure operations, the primary concern will be the rights, safety, and welfare of the **community**, citizens and the officers involved. Officers should periodically review Department Directives, Headquarters Memoranda, Information Bulletins, and Training Bulletins which establish boundaries for proper police conduct governing the method of entry before and during the search, as well as the search and seizure itself. **Officers will follow all legal requirements regarding search warrants and will use the Warrant Threat Assessment Matrix (MCP 714) when coordinating the execution of the search warrant involving a structure or dwelling.** In executing a search and seizure warrant where the premises are unoccupied, officers should seek entry in a way which will enable them to secure the premises once the search is complete. Unless otherwise impossible, officers will **utilize the search warrant template and** obtain search warrants electronically*

*This policy is binding on all MCPD employees regardless of any collateral jurisdiction the employee may hold.*

### III. Definitions

*For purposes of this directive, the following terms have the meanings indicated.*

- A. **Affiant**: *An officer who swears under oath that the information contained in an affidavit (statement of probable cause) is true.*
- B. **No-Knock Search Warrant**: *A search warrant that authorizes the executing law enforcement officer to enter a building, apartment, premises, place, or thing to be searched without knocking and announcing the officer's presence. Also referred to as the Knock and Announce Exception.*
- C. **Private Premises**: *For the purpose of this directive, a private location that is occupiable, but not necessarily occupied. Examples of this include, but are not limited to, residences, businesses, offices, or outbuildings.*
- D. **Search and Seizure Warrant**: *is an order, issued by the court, authorizing, and directing officers to search a specified person, premises, vehicle, or thing for items related to the commission of a crime.*
- E. **Search Warrant Coordinator**: *The affiant of the search warrant and/or the lead investigator. He or she is responsible for the coordination of the search warrant and completion of the MCP 714 "Warrant Threat Assessment Matrix", and the MCP 715 "Search Warrant Plan of Service" for all search warrants involving structures or dwellings. The Search Warrant Coordinator is also responsible for entering all search warrants into the MCPD Search Warrant Database.*
- F. **Search Warrant Database**: *The central repository for MCPD search warrant data. The search warrant database provides the department electronic search warrant deconfliction and data collection component. The Search Warrant Database does NOT replace the personal deconfliction methods with other investigative units as required by VIII.A.*
- G. **Search Warrant Team Supervisor**: *A designated MCPD officer of the rank of sergeant or above who will be present at the time of the execution of the search warrant and shall be the supervisor on scene for the duration of the search warrant. A senior responding officer may be assigned as the "Search Warrant Team Supervisor" if approved by an executive officer. The Search Warrant Team Supervisor is responsible for ensuring the search warrant is accurately entered into the MCPD Search Warrant Database within 10 days upon execution of the search warrant.*

### IV. Legal Principles

- A. In executing a search and seizure warrant, unless there is an exception to the "Knock and Announce" requirement, officers will first announce their authority and purpose loudly enough to be heard and demand entrance. *Absent exigent circumstances, officers must wait a minimum of 20 seconds before making entry.*
- B. Force may be used to enter under the authority of a valid search and seizure warrant if the circumstances of the situation require such force.
- C. **Confidentiality/Release of Information**
  - 1. The fact that a search and seizure warrant has been applied for or issued shall not be made public until the search and seizure warrant has been executed. After the search and seizure warrant has been executed, the warrant, inventory, and other papers filed with the court clerk shall be confidential. Authority: Maryland Rule 4-601(h).



2. ***Search and seizure warrants should not be released absent court order unless for the purposes of criminal discovery in the associated criminal case.***
3. As appropriate, officers will advise the Public Information ***Office*** of the names, addresses, and ages of adults arrested as the result of the execution of the search and seizure warrant; information concerning property contained in the inventory, individuals named in the search and seizure warrant, or other papers connected with the search and seizure warrant shall not be released by the officer, except the general nature of evidence may be released if deemed appropriate.

**D. Inventory**

An officer shall make and sign a written inventory of all property seized under a search warrant. At the time the search warrant is executed, a copy of the inventory together with a copy of the search warrant, application, and supporting affidavit, except an affidavit that has been sealed by order of court, shall be left with the person from whom the property is taken if the person is present or, if that person is not present, with the person apparently in charge of the premises from which the property is taken. If neither of those persons is present at the time the search warrant is executed, the copies shall be left in a conspicuous place at the premises from which the property is taken. The officer preparing the inventory shall verify it before completing the inventory. The search warrant team supervisor, or executive approved senior ranking officer, shall review the evidence seized to ensure it is noted on the inventory. Upon the expiration of the order sealing an affidavit, the affidavit shall be unsealed and delivered within 15 days to the person from whom the property was taken or, if that person is not present, the person apparently in charge of the premises from which the property was taken.

**E. Return**

The original of the search and seizure warrant, the MCP 560, "Search Warrant Inventory Report and Return," and the MCP 558, "Search Inventory," shall be returned to the issuing judge or duty judge, as promptly as possible and, in no event, longer than ten days from the date of execution, ***consistent with Maryland law.***

**F. Unexecuted Search and Seizure Warrants**

A search and seizure warrant not served within ***10 calendar*** days of its issuance becomes void and shall not be served unless updated and reissued by a judge. ***Unexecuted search warrants must be returned to the issuing judge or duty judge.***

**V. Search and Seizure Warrant Required**

- A. Officers conducting a search and seizure where any party has a reasonable expectation of privacy governed by the Fourth Amendment, in the person, place, vehicle, physical property or premises searched must have a search and seizure warrant or meet the criteria for one of the exceptions to the warrant requirement.
- B. This section does not prohibit, nor necessarily require, an officer from obtaining a search and seizure warrant if an exception to the warrant requirement exists. The court prefers searches and seizures conducted pursuant to warrants.

**VI. Application Requirements**

- A. The following are needed for the application and search and seizure warrant:
  1. Specifically identify the person, place, or thing to be searched. Confirm the information is current for the suspect or target with multiple sources, if possible (e.g., postal service, utility bills, ***Motor Vehicle Administration*** (MVA), criminal history, etc.).
  2. Specifically identify the person(s) or thing(s) to be seized.

3. Articulate the probable cause in the application.
4. Ensure that the person, place, or thing(s) to be searched and/or seized which is listed on the search and seizure warrant application matches the person, place, or thing(s) listed on the search and seizure warrant.
5. A detailed list of each specific item or information to be seized must be listed in both the application and search and seizure warrant.
6. Establish a connection between the crime, the location to be searched, and the items to be seized.
7. The application and search and seizure warrant must be supported by oath or affirmation. The officer should include the officer's experience, training, and/or expertise that would lead a reasonable officer to believe the evidence could be present.
8. The affiant will attempt, when practical, to corroborate all information provided in the application of probable cause whether personally obtained or obtained second hand.
9. If facts and circumstances supporting a "No-Knock Exception" exists (i.e., a crime as enumerated in *VII.D.1*, violent criminal history, firearms), ***all the above criteria must be met (refer to VII.D) and documented in the search warrant. A consultation with the Special Operations Division (SOD) is required. It must then be approved as outlined in XIII.C.***
10. The search and seizure warrant must be issued by a Maryland judge ***or Federal judge for federal investigations***. Search and seizure warrants to be served within Maryland, but outside of Montgomery County, must be issued by a District Court Judge ***or cross-designated Circuit Court Judge***. Search and seizure warrants to be served within Montgomery County may be issued by either a District Court or Circuit Court Judge.

**11. Search Warrant Template**

***Officers will use the MCPD search warrant template as a standard guide when completing a search warrant. The search warrant template will be available on the Administrative Web Board.***

NOTE: Investigators requiring a warrant in a jurisdiction outside of Maryland must contact law enforcement within that jurisdiction for further guidance.

***VII. Knock and Announce Exception ("No-Knock" Warrant) Guidelines***

***A. An application for a "No Knock" Search Warrant may be made to a judge if approved in writing by a police supervisor, appropriate Investigative Services Bureau (ISB) executive and the Montgomery County State's Attorney's Office. A "No-Knock" search warrant cover page will be submitted with the search warrant application. This form can be located in PowerDMS and SharePoint.***

**B. Application**

***An application for a "No Knock" Search Warrant can be made only if there is reasonable suspicion to believe that, without the authorization the life or safety of the executing officer or another person may be endangered and must include:***

- 1. A description of the evidence in support of the application.***
- 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 search warrant.***
- 3. An explanation of why the affiant is unable to detain the suspect or search the premises using other, less invasive methods.***
- 4. An acknowledgement that any police officer who will execute the search warrant have successfully completed the same training in breach and call-out entry procedures as SWAT team members. To comply with this requirement, the applicant will include the statement that "Per MCPD policy, only members of the Special Operations Division, Tactical Section (SWAT) team may execute a "No-Knock" search warrant. All MCPD SWAT team members have been fully trained in breach and call-out entry procedures".***



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.*
  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.*
- C. *A No-Knock search warrant shall be executed between 8:00 A.M. and 7:00 P.M. absent exigent circumstances.*
- D. Officers may only seek a "knock and announce" exception when:
1. *The life or safety of the executing officer or another person may be endangered; and*
  2. The investigation is a crime of violence as defined in Section 14-101(a) of the Criminal Law Article of the Maryland Code, which are:
    - abduction
    - arson in the first degree
    - kidnapping
    - manslaughter, except involuntary manslaughter
    - mayhem
    - maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code
    - murder
    - *1<sup>st</sup> and 2<sup>nd</sup> degree* rape
    - robbery under § 3-402 or § 3-403 of the Maryland Code
    - carjacking
    - armed carjacking
    - use of a handgun in the commission of a felony or other crime of violence
    - an attempt to commit any of the crimes above
    - assault in the first degree
    - assault with intent to murder
    - assault with intent to rape
    - assault with intent to rob
    - assault with intent to commit a sexual offense in the first degree; and
    - assault with intent to commit a sexual offense in the second degree
  3. related to firearms possession;
  4. related to a warrant obtained under Section 5-607 of the Public Safety Article of the Maryland Code;
  5. related to child abuse;
  6. related to child pornography;
  7. related to domestic violence; or
  8. related to terrorism
- E. Additionally, at least one of the following factors must be present:
1. reasonable suspicion that a person is present at the location who has demonstrated a propensity for violence; or
  2. reasonable suspicion that entry into the location has been fortified, is "booby trapped", or has unique characteristics which would make knocking and announcing one's presence inherently unsafe.
- F. A no-knock entry can be made at the discretion of the *SWAT* supervisor, regardless if the warrant applied for was a no-knock warrant, on-scene depending on the exigent circumstances (e.g., the life or safety of the executing officer or another person may be endangered) that present themselves at the time of the execution of the search and seizure warrant. The justification for this type of entry will be documented in an incident or raid report by the *SWAT* supervisor who orders the no-knock entry.

- G. SWAT will execute all "No-Knock" search warrants, any search warrant in which the MCP 714 "Warrant Threat Assessment Matrix" risk factors direct the Search Warrant Coordinator to consult the SWAT Supervisor who deems it appropriate for *SWAT* to execute the search warrant, and any search and seizure warrant where special hazards exist. If information in the Warrant Threat Assessment Matrix indicates a safety concern to the SWAT supervisor making entry, the detective or officer will be directed go back to the judge *and State's Attorney* to request an exception to the "Knock and Announce" requirement. unless the additional information was discovered just prior to serving the warrant. The execution of such warrants will be at the discretion of the *SWAT* Sergeant, or designee. Only those officers who personally and physically verified the door description will be authorized to identify the door for an entry made by SWAT.

### VIII. Procedure

A. Deconfliction

Any sworn law enforcement officer has the statutory ability to apply for a search and seizure warrant. Officers are required to obtain warrants prior to conducting searches when required by state law, or when required under judicial jurisprudence. However, officers should be aware that a search warrant and its application, unless sealed, may be subject to public inspection. Their service will likely ensure that the suspects in the investigation become aware of the existence of a law enforcement investigation. The department has investigative units, *allied agencies* and federal partners, that are involved in lengthy and complex investigations. A search warrant, while well intentioned, could unwittingly undermine years of investigative effort. *Deconfliction revolves around well-implemented and monitored participation in electronic event deconfliction (Search Warrant Database) as well as through continued personal coordination.* Prior to obtaining a search and seizure warrant for the following types of offenses, or if the investigation has a nexus to one of these offenses, officers must deconflict with the appropriate units:

1. Controlled Dangerous Substances — Special Investigations Division, Drug Enforcement Section
2. Human Trafficking - Special Investigations Division, Vice and Intelligence Unit
3. Prostitution - Special Investigations Division, Vice and Intelligence Unit
4. Organized Street Crime (Gang) - Special Investigations Division, Criminal Street Gang Unit
5. Firearms - Special Investigations Division, Firearms Investigation Unit

- B. Before an affidavit for a search and seizure warrant is presented to a district or circuit court judge, it will be reviewed by an executive officer to ensure there is, amongst other legal requirements, sufficient probable cause, lack of staleness, and that the address and items to be searched for are consistent throughout the document. An affidavit for a controlled dangerous substance search and seizure warrant will be reviewed by an executive officer through the Special Investigations Division (SID).

C. Knock and Announce Exception Review and Approval

1. *If an affidavit for a search and seizure warrant contains a No-Knock Exception, in addition to supervisory and appropriate ISB executive review, the officer must also have the warrant approved by the State's Attorney for Montgomery County.*
2. *The appropriate ISB executive will review and, if approved, contact the appropriate division chief of the State's Attorney's Office (SAO).*
3. *The appropriate SAO division chief will review, and if approved, will contact The State's Attorney for Montgomery County.*
4. *If approved in writing/electronically by the ISB division executive and The State's Attorney for Montgomery County, the applicant may proceed to judicial approval.*



**D. Process of Submitting an Electronic Warrant for Judicial Review**

1. During Business Hours:
  - a. For Circuit Court: During business hours, Officers shall contact the Montgomery County Circuit Court Assignment Office at (240) 777-9000. Officers shall inquire as to the name of the "Duty Judge" and his/her administrative aid. Officers shall then send an email to the duty judges administrative aid, with the search warrant as an attachment.
  - b. For District Court, officers are to contact the judges' administrative aids at (301)563-8870 (Rockville) or (301) 563-8520 (Silver Spring) and inquire as to the name of the "EEP Judge". Officers shall send an email to the EEP Judge with the warrant as an attachment.
2. Outside of business hours, officers are to contact the District Court Commissioner, who will provide the after-hours duty judge's name and email address.

**E. MCP 714, "Warrant Threat Assessment Matrix,"**

The MCP 714 must be completed and given to the *investigative* supervisor to be reviewed, along with the search and seizure warrant *prior to the execution of the search warrant*. The MCP 714 will be used by every Search Warrant Coordinator to assess the risk factors related to all search warrants involving a structure or dwelling. In instances where the MCP 714 risk factors direct the Search Warrant Coordinator to consult with SOD, *the MCP 714 shall be forwarded to the SWAT supervisor as soon as practical for consultation to occur, and in all instances prior to the search warrant being submitted to the court for review. The completed MCP 714 should be maintained in the case file, uploaded into the database and sent to the SWAT supervisor regardless of whether a SWAT request is anticipated. The SWAT supervisor will review the MCP 714 and consult with SOD command prior to a determination being made as to SWAT's participation in the service of the search warrant.*

**F. MCP 715, "Search Warrant Plan of Service"**

The MCP 715, "Search Warrant Plan of Service," will be completed by the search warrant coordinator *prior to service of the search warrant*. Regardless of rank, the Search Warrant Coordinator will determine the assignments and responsibilities of participating officers and record the plan on an MCP 715. Upon completing the form, the Search Warrant Coordinator will submit the plan to an officer of the rank of sergeant or above for review. Only a reviewing sergeant or higher-ranking officer may alter the search warrant plan. The MCP 715 will be maintained in the case file. The MCP 715 is only required when searching a private premise (*refer to III.C*).

- G.** The execution of a search and seizure warrant will be documented in the relevant incident report or supplement report. *Once the search and seizure warrant has been executed, the supervisor of the requesting unit will ensure all required information is entered into the MCPD Search Warrant Database within 10 days upon execution of the search warrant.*

**H. Seized Items/Evidence**

1. Seized item(s)/evidence from an executed search and seizure warrant shall have the collector's initials, date, time, and location where item(s) was seized from on the search warrant inventory form.
2. Seized item(s)/evidence must be entered into the evidence/property tracking system pursuant to the provisions of Function Code 721 by the designated officer and/or the lead investigator to maintain chain of custody. If possible, have one officer designated for seizing and entering evidence.
3. When currency is seized, the on-scene supervisor will ensure that the seizure is verified by two officers and the procedures listed in Function Codes 721 and 722 are followed.
4. If evidence is discovered that may be associated with another crime (e.g. burglary, robbery, theft etc.) and not part of the scope of the initial warrant, the Search Warrant Coordinator or designee will notify the appropriate investigative unit. The contacted investigative unit will be responsible for applying for a separate warrant, which will be specific to the discovered evidence that was outside the scope of the initial warrant. Investigators WILL NOT take any evidence that is not listed in their specific search

warrant. The exception is CDS and other immediately apparent contraband, which is illegal to possess (example: sawed off shotgun, known prohibited person possessing a firearm, child pornography), however, a second warrant must *be* obtained in order to seize items associated with CDS, (example: U.S currency, documents etc), as they are not illegal items unto themselves.

**IX. Executing Search and Seizure Warrants**

- A. Any search or seizure executed under authority of a search and seizure warrant shall be made within *10* calendar days from the date of issuance. If the search and seizure warrant is to extend beyond the *10* days, a new search and seizure warrant must be obtained.
- B. The time of day/night for the execution of a search and seizure warrant shall be decided by the supervisor responsible for the officer obtaining the warrant. Consideration shall be given to officer safety, safety of the occupants, destruction or loss of evidence, and the seriousness of the crime. When deciding the best time to execute a search and seizure warrant, the following factors will be considered to maximize safety and ensure the success of the operation:
1. Historical experience with the success of search and seizure warrant executions based on the nature of alleged activities and patterns of behavior of those involved.
  2. Information, pre-raid surveillance, and undercover officer access.
  3. Supervisors will give due consideration to the potential for community concerns arising from the night/early morning entries, the presence of innocent family members in the residence, the history of members in the residence, and the drug involvement of the targeted individuals.
  4. When SWAT is utilized to execute a search and seizure warrant, the Search Warrant Coordinator and the SWAT coordinator will collaborate on the time of executing the warrant (*a no-knock search warrant shall be executed between 8:00 A.M. and 7:00 P.M. absent exigent circumstances*). The SWAT supervisor will be responsible for the strategies of serving the warrant.
- C. At *any premise that may be occupied*, a sergeant or an executive officer shall be present and shall coordinate the warrant service and will be designated as the "Search Warrant Team Supervisor".
- D. Identification
1. *While executing a search warrant, a police officer shall be clearly recognizable and identifiable as a police officer, wearing a uniform, badge, and tag bearing the name and identification number of the police officer.*
  2. *The subsequent requirements will be followed during the execution of a search warrant at any property. These requirements only pertain to the service of a knock and announce or no-knock search warrant in potentially occupied spaces (i.e.: residences, commercial establishments, etc.) and does not apply to the execution of a search warrant on an item secured by this law enforcement agency, or the execution of a search warrant pertaining to obtaining DNA or other legally obtainable bodily fluid:*
    - a. *A minimum of one uniformed officer will be present for the entirety of the search warrant service.*
    - b. *An investigative supervisor or senior investigator will physically hand over the search warrant to a property representative unless there is none present. The uniformed officer will be present during the interaction.*
    - c. *Any non-uniformed officer present at the search warrant will wear either:*
      - i. *Outer vest carrier with MCPD badge, name tag with last name and ID number, and "Police" displayed on the back of the carrier.*
      - ii. *Department issued uniform jacket with badge, name tag with last name and ID number, and "Police" displayed on the back of the jacket.*



**E. Body Worn Camera (BWCS)**

- 1. *The on-scene uniformed officer must have been issued a Patrol based BWCS and have completed all required BWCS training.***
- 2. *Pursuant to law, the uniformed officer must have their BWCS activated for the entire duration of time on the premises, to include the 20 second minimum waiting period for the knock and announce search warrant.***
- 3. *SWAT must have their SWAT BWCS activated consistent with FC 430.***
- 4. *Officers will operate their BWCS in accordance with policies established by FC 430 to include not intentionally recording undercover officers or confidential informants without their consent.***

**F.** The Search Warrant Team Supervisor will ensure that overall photographs are taken both prior to and following the search. The photographs will become part of the officer's case file and entered into evidence.

**G.** Upon completion of the search and seizure, a copy of the search and seizure warrant, the MCP 558, and the MCP 560, will be left at the premises, unless the warrant is sealed.

**H.** If the search warrant is sealed, the occupants of the premise shall be advised that the search warrant is sealed. Furthermore, it shall be explained that a sealed search warrant is a court order document, signed by a judge, which only requires the officers to leave a copy of the search warrant, not the affidavit, and the order to seal.

**I.** Once the execution of the search and a seizure warrant is complete and officers have left the premises, there will be no reentry on the strength of the warrant. Officers will conduct a sweep to ensure all police property and evidence are accounted for.

**J.** People who are not members of law enforcement (e.g., members of the media, ride-a-longs, etc.) may not accompany officers during the entry phase of the execution of search and seizure warrants. Non law enforcement personnel may be present during the search phase of the warrant with permission of an executive level officer. Non law enforcement personnel may only enter when the scene is secure and only when their presence will enhance the search/investigation efforts.

**K. Notifications**

- 1. When the search and seizure plan is formulated and approved, the Search Warrant Coordinator or designee will contact the executive officer (or duty commander if applicable) in whose district the search and seizure warrant service will occur and advise the executive officer of the specifics (e.g., time, location, purpose, agency involved, etc.).**
- 2. Follow section *IX.L* for ECC notification.**
- 3. Notify an SID supervisor if the search warrant is narcotics related.**

**L. ECC Notification**

The Search Warrant Coordinator will notify the Emergency Communications Center (ECC) supervisor via telephone of the following:

- 1. The impending execution of a search warrant,**
- 2. The designated communications car,**
- 3. After entry has been made and the scene is secure, and**
- 4. After all units clear the scene (this notification is made by the on-scene senior responding officer for investigative units).**

**M. Types of Entry**

1. **Knock and Announce** — Prior to making entry into a private premise, officers must knock and announce their presence and intent to search the location. *Absent exigent circumstances*, officers must wait **a minimum of 20 seconds for the occupants of the residence to respond and open the door** before making entry. **The on-scene uniformed officer will document the knock-and-announce, as well as the 20 second wait, on their Patrol BWCS.** This type of entry will be utilized unless conditions for a no-knock entry exist.
2. **Knock and Announce Exception (“No Knock”)** - In certain circumstances, officers may make entry into a private premise without knocking and announcing *their* presence. These circumstances are limited to **a judicially approved “no-knock” warrant** or times when exigent circumstances exist. Prior to making entry, other methods of serving the warrant, including methods that would mitigate risk, must be considered, and be determined to pose unacceptable risk to the life or safety of executing officers or another person or be futile.

**N. Method of Entry**

1. **Non-Forced** - Involves a search and seizure warrant in which it is believed there is not a significant threat to officer *or public* safety. These entries will be made by knocking on the door, identifying the search team as police officers, and being allowed entry by the occupant of the *premises*. If a forced entry is needed, **officers shall allow a minimum of 20 seconds** prior to making any forced entry, unless an exigent circumstance presents itself.
2. **Forced - Circumstances in which an officer uses force to gain entry to a dwelling, structure, vehicle or other property.** *Absent exigent circumstances, officers shall allow a minimum of 20 seconds for* occupant(s) of the *residence to respond and open* the door prior to making any forced entry. This **method of entry** may include "No-Knock Search Warrant" entries (*refer to IX.M.2*).
3. **High Risk** - Involves a search and seizure warrant where there is reasonable belief that danger exists to the lives and safety of officers involved, the occupants of the place to be searched, or citizens in the immediate vicinity. These warrants will be served by or with the assistance of SWAT. When SWAT personnel are making entry, the SWAT team leader shall be in command. Once entry has been gained and the scene stabilized, SWAT personnel shall relinquish responsibility to the on-scene Search Warrant Team Supervisor and their personnel. SWAT will only remain on the premises of an already executed search warrant to provide security to the Search Warrant Team if requested to do so by the Search Warrant Team Supervisor.

**O. Executing High Risk Search Warrants**

The plan for the execution of a high-risk search warrant will be reviewed by an officer of the rank of sergeant or above **assigned to SOD**. Such review will address the following aspects of the plan:

1. Objective of the search warrant
2. Potential for danger
3. Characteristics of neighborhood in the raid area
4. Time of the search warrant execution.
5. Use of canine - the use of a canine unit is recommended because of their **controlled dangerous substances and firearms** detection capabilities and their usefulness if suspects have to be located or tracked
6. Special problems anticipated
7. The conformity of the search warrant and raid plan to all current statutory and case law
8. Criminal and CAD history checks
9. Additionally, reviewing **supervisors** should evaluate the plan in terms of the following logistical issues:
  - a. Communications with other units and agencies
  - b. Number of officers in the raiding party
  - c. Use of uniformed officers



- d. Adequacy of protective equipment
  - e. Alternative plans or modifications
  - f. Use of special equipment (e.g., means of identification, use of bullhorn, sledgehammer, battering rams, etc.)
  - g. Sufficiency of evidence retrieval capabilities (e.g., photography, voice recording, evidence containers, etc.)
  - h. Availability of processing support from PSB or other personnel should numerous arrests be made
10. The Search Warrant Coordinator will brief his/her respective supervisor on pertinent circumstances after the execution of the search warrant.

**P. Search Warrant Database and Tracking System**

*To ensure proper reporting requirements:*

1. *ALL search warrants must be entered into the database within 10 days of service of the warrant, database entry must be completed to include number of items seized, injuries to humans or pets, forced entry, arrests, etc. These are all required for mandated reporting.*
2. *In addition to premises, search warrants of all types must be entered into the database (phones, computers, email, DNA, vehicles, etc.) within 10 days of service.*
3. *The Search Warrant Coordinator (refer to II.E) is responsible for initial database entry prior to and after the execution of a search warrant.*
4. *Supervisors are responsible for ensuring compliance from Officers/Investigators.*
5. *The Search Warrant Supervisor will ensure the search warrant and all additional information is accurately entered into the MCPD Search Warrant Database within 10 days upon execution of the search warrant.*

**Q. Supporting Outside Agencies**

1. Officers from other Maryland jurisdictions may apply to a District Court Judge in their jurisdiction for a search and seizure warrant to be served in Montgomery County.
2. When another law enforcement agency requests MCP assistance with the execution of a search warrant, MCP's role will be supportive and generally not at the critical points of action. In the search warrant planning, an MCP officer will act as Search Warrant Coordinator and work with the on-scene supervisor of the requesting agency in assigning details and duties. When the plan is formulated, an officer of the rank of sergeant or above in the Search Warrant Coordinator's unit will review the plan and make changes deemed in the best interest of the mission.
3. After the entry, the Search Warrant Coordinator may assign officers as needed to accompany the other agency in conducting the search. When so assigned, the officers will be mindful of state and local violations of law and act as a liaison to the search party. Support personnel may assist the primary officers only at the direction of the Search Warrant Coordinator.

**X. Motion to Seal and Order to Seal Search and Seizure Warrant**

**A.** An affidavit may be sealed for 30 days if:

1. The investigation is ongoing and is likely to yield further information that could be used in prosecution, and
2. The failure to maintain confidentiality of the investigation would:
  - a. Jeopardize the use of information already obtained in the investigation,
  - b. Impair the continuation of the investigations, or
  - c. Jeopardize the safety of a source of information.
3. A motion to seal and an order to seal is completed. The motion to seal will be presented to and signed by an Assistant State's Attorney.

4. The Motion to Seal and Order to Seal will be presented to the judge with the search warrant application.
- B. If a judge finds good cause based on the information provided by law enforcement that the above listed factors still exist, one 30-day extension can be granted.
- C. After the sealing of the affidavit expires, the affidavit shall be:
1. Unsealed.
  2. Delivered, within 15 days, to:
    - a. The person from whom the property was taken, or
    - b. Another person apparently in control of the premises from where the property was taken.

**XI. Search and Seizure Warrants in Other Jurisdictions**

A search and seizure warrant application for any location in Maryland can be accepted by a Montgomery County District Court Judge for review and issuance. Officer(s) must ensure an officer from that jurisdiction is contacted and make every effort to have them present during the execution of a search and seizure warrant in another jurisdiction.

**XII. CALEA Standards: 1.2.1, 1.2.3, 1.2.4, 1.2.5, 4.1.1, 26.1.1, 41.1.5, 41.2.4, 42.1.3, 43.1.1, 43.1.5, 46.1.1, 46.1.2, 46.1.3, 46.1.4, 46.1.5, 46.1.6, 54.1.3, 74.1.1, 82.2.1, 82.2.2, 83.2.4, 84.1.1.**

**XIII. Proponent Unit: Investigative Services Bureau**

**XIV. Cancellation**

This directive cancels Function Code 714, effective date *02-10-21, Training Bulletin 05-04 and Training Bulletin 21-03.*



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Marcus G. Jones  
Chief of Police