

# EXECUTIVE ORDER



DISTRICT OF COLUMBIA

<b>Subject:</b> <b>Body-Worn Cameras: Consent Searches and the Execution of Search Warrants, Arrest Warrants, Custody Orders, and Warrantless Searches</b>
<b>Number</b> <b>EO-17-008</b>
<b>Effective Date</b> <b>March 10, 2017</b>
<b>Related To:</b> GO-SPT-302.13 (Body-Worn Camera Program) GO-PCA-702.01 (Arrest and Bench Warrants) GO-PCA-702.02 (Juvenile Custody Orders) GO-PCA-702.03 (Search Warrants)

## I. PURPOSE

The purpose of this executive order is to amend the procedures outlined in GO-SPT-302.13 (Body-Worn Camera Program), GO-PCA-702.01 (Arrest and Bench Warrants), GO-PCA-702.02 (Juvenile Custody Orders), and GO-PCA-702.03 (Search Warrants) concerning consent searches, the execution of search warrants and the service or attempted service of arrest warrants, custody orders, and warrantless searches, and to announce the addition of new body-worn camera (BWC) categories to the MPD-approved storage database (i.e., Evidence.com).

## II. REGULATIONS

- A. There shall be at least one body-worn camera (BWC)-equipped member present with his or her BWC activated for all executions of search warrants and for the planned service or attempted service of arrest warrants and custody orders.
- B. When practicable, there shall be at least one BWC-equipped member present with his or her BWC activated prior to a consent search being conducted of a person, place, or object.
  1. Both the consent and the search shall be documented by a BWC-equipped member.
  2. BWC documentation shall be in addition to the documentation requirements outlined in GO-PCA-702.03 (Search Warrants) [i.e., documentation of the consent search on the PD Form 781 (Consent to Search) or in the member's notebook].
- C. Members are reminded that absent exigent circumstances and when practicable, forcible entries being executed in elements where BWCs are deployed shall have a BWC member in attendance with the BWC activated prior to making entry.

- D. Members are reminded to document the presence of BWCs in all related paperwork and to label and categorize their recordings prior to the end of their shift in accordance with GO-SPT-302.13 and Part III.A through Part III.C of this executive order.

It should be noted that this requirement does not apply to members who encounter subjects with active arrest warrants in the course of routine patrol. In these cases, members shall take appropriate police action regardless of whether or not they are equipped with a BWC.

### III. PROCEDURES

#### A. Consent Searches

When categorizing BWC recordings in Evidence.com related to consent searches, members shall use the BWC category "Consent Search" along with the BWC category of the original offense and/or any new offenses associated with the search warrant.

#### B. Search Warrants

Members are reminded to obtain central complaint numbers (CCNs) for the execution of search warrants in accordance with GO-PCA-702.03 (Search Warrants). When requesting CCNs, members shall classify the event as "Execution of a Search Warrant". When categorizing BWC recordings in Evidence.com, members shall use the BWC category "Search or Arrest Warrant" along with the BWC category of the original offense and/or any new offenses associated with the search warrant. If forcible entry was necessary, members shall also use the BWC category "Forcible Entry".

Members shall request CCNs **after** the search has concluded.

#### C. Arrest Warrants and Custody Orders

Members shall record and classify all BWC recordings of the service or attempted service of arrest warrants or custody orders in Evidence.com using the category "Search or Arrest Warrant" along with the BWC category for the original underlying offense, if there is one. If forcible entry was necessary, members shall also use the BWC category "Forcible Entry".

Example 1: Two members attempt to serve arrest warrant number 2016CMD123456 (Simple Assault, CCN-16123456) on suspect John Smith. The arrest warrant states Mr. Smith resides at 200 H Street, NE. Upon arrival, members are greeted by the landlord, who states Mr. Smith moved three days ago. Members are unable to locate Mr. Smith in his apartment. In this case, members shall categorize the BWC recordings associated with this event in Evidence.com as "Search or Arrest Warrant" and "All Other Misdemeanors".

NOTE: The same BWC category will be used if the suspect is arrested, along with any other BWC categories stemming from new offenses discovered during the arrest.

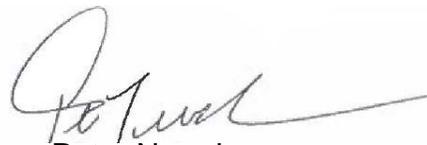
Example 2: Two members attempt to serve a bench warrant on suspect John Smith. The bench warrant states Mr. Smith resides at 200 H Street, NE. Upon arrival, members are greeted by the landlord, who states Mr. Smith moved three days ago. Members are unable to locate Mr. Smith in his apartment. In this case, members shall categorize the BWC recordings associated with this event in Evidence.com as "Search or Arrest Warrant".

NOTE: If the suspect is arrested, the BWC category will be "Search or Arrest Warrant" and any other applicable BWC categories (e.g., "All Other Felonies", "All Other Misdemeanors") stemming from new offenses discovered during the arrest.

D. Warrantless Searches

Members shall record and classify all warrantless searches in Evidence.com using the category "Warrantless Search" along with the BWC category for the original underlying offense, if there is one. Members are reminded to document warrantless searches in accordance with GO-PCA-702.03 (Search Warrants).

- E. Members shall be aware that, in order to tag recordings with multiple categories, they must be logged into the Evidence.com website from a computer. Members cannot assign multiple tags or categories using the Evidence.com mobile phone application.



Peter Newsham  
Acting Chief of Police

PN:KDO:MOC:BK:DMH