

GENERAL ORDER



DISTRICT OF COLUMBIA

Subject Search Warrants		
Topic	Series	Number
PCA	702	03
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I. BACKGROUND

The Fourth Amendment of the United States Constitution provides, in part, "... 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 warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized..." The Metropolitan Police Department has established policies and procedures related to searches and obtaining, serving, and auditing criminal search warrants.

II. POLICY

The policy of the Metropolitan Police Department (MPD) is to abide by all Constitutional requirements when conducting searches and when obtaining and serving criminal search warrants.

III. DEFINITIONS

For the purpose of this order, the following terms shall have the meanings designated:

1. Affiant – Person who signs an affidavit and swears to its truth before a judicial official or other person authorized to take oaths.
2. Affidavit – Written statement of facts made by an affiant under an oath or affirmation administered by a person authorized to do so by law.
3. Arrest Warrant – Order issued by a judicial official authorizing law enforcement officers to locate and arrest a person.
4. Case Explorer Coordinator – District/unit personnel the rank of sergeant or above assigned access to the HIDTA Case Explorer database to initiate de-confliction of search warrant location(s) and other law enforcement operations.
5. De-confliction Tracking Numbers – Event tracking numbers that are automatically generated from the HIDTA Case Explorer database.
6. High Intensity Drug Trafficking Area (HIDTA) – Federal program managed by the Office of National Drug Control Policy (ONDCP), which facilitates cooperation between federal, state, and local law enforcement agencies in combating illegal drug trafficking and the violent crime associated with drug trafficking/ distribution.
7. Oral Search Warrant – Search warrant based on sworn oral testimony communicated to a judge/magistrate judge.
8. Probable Cause – Set of facts, circumstances, or reliable information which would lead a reasonable, prudent and cautious police officer to believe a crime has been committed, is being committed, or is about to be committed.
9. Search Warrant – Court order authorizing the examination of a place, item or person for the purpose of discovering contraband, stolen property, or evidence of guilt to be used in the prosecution of a criminal action.

IV. FORMS

The following forms are referenced in this order:

- A. AO93 – (Search and Seizure Warrant) – prepared by the Court Clerk – U.S District Court.
- B. AO93A – (Search Warrant Upon Oral Testimony) – U.S. District Court.
- C. AO106 – (Application for a Written Search Warrant) – U.S. District Court.
- D. CD 1055 – (Search Warrant) – D.C. Superior Court.
- E. PD Form 240 – (Forcible Entry Report).
- F. PD Form 273 – (Record of Review of Affidavit).
- G. PD Form 274 – (Affidavit in Support of an Application for a Search Warrant).
- H. PD Form 296-A – (Pre Warrant Execution Check List).
- I. PD Form 296 B – (Post Warrant Execution Check List).

V. RULES

- A. Patrol District Personnel shall submit all **drug/narcotic** related affidavits in support of a search warrant(s) to their Patrol District's Vice Lieutenant for review and approval. If the Vice Lieutenant is unavailable, the affidavit(s) shall be reviewed by a member the rank of captain or above.
- B. Patrol District Personnel shall submit all **non-drug/narcotic** related affidavit(s) in support of a search warrant(s) to the Criminal Investigation Division, District Detectives Lieutenant within their Patrol District, for review and approval. If the District Detective Lieutenant is unavailable, the affidavit(s) shall be reviewed by a member the rank of captain or above.
- C. Affidavits in support of search warrants prepared by members assigned to specialized units shall be reviewed by an official the rank of lieutenant or above within their unit.

VI. REGULATIONS

- A. The key element in obtaining approval for search warrants is probable cause. The courts will consider any facts known to the member at the time of the search. These facts may include:
 - 1. Evidence from the member's own observation(s);

2. Information from informants; or
 3. Information from non-criminal sources (e.g., citizens or other members).
- B. The requirement of establishing probable cause under oath is a Constitutional guarantee and a violation of this legal requirement by a member could result in any or all of the following:
1. The exclusion of illegally seized evidence against the defendant in a criminal trial;
 2. A civil suit brought by the aggrieved party against the member, resulting in monetary damages;
 3. A civil rights violation brought against the member under 42 U.S.C. 1983, possibly resulting in monetary damages;
 4. A civil rights violation brought against the member under 18 U.S.C. 242, possible resulting in fine or imprisonment; or
 5. Financial loss to the Department and/or supervisor as a result of a civil suit brought by the aggrieved party for failure to properly train and/or supervise.
- C. All search warrants shall be based upon probable cause, supported by an oath or affirmation.
- D. Each member applying for a search warrant shall corroborate the facts stated in the affidavit and determine the accuracy, validity, and truthfulness of the information presented.
- E. Each reviewing official, when presented with an affidavit for review shall ensure, to the best of his/her ability, the accuracy, validity, and truthfulness of the information, based upon the probable cause standards described in Part III of this order.
- F. All matters related to the application and execution of search warrants shall be treated with the utmost confidentiality.

VII. PROCEDURES

- A. Preparation Instructions for Search Warrant Affidavits
1. When applying for a **written search warrant**, members shall draft a PD Form 274 (Affidavit in Support of an Application for Search

Warrant) or an affidavit consistent with a PD Form 274.

2. Oral search warrants are only available within the United States District Court for the District of Columbia. When applying for an **oral search warrant** under emergency circumstances, members shall draft a PD Form 274 which will be read to a judge/magistrate judge. Additionally, a form AO 93A (Search Warrant Upon Oral Testimony) shall be completed.
3. When preparing a PD Form 274, members shall state the facts necessary to substantiate the issuance of a warrant in a clear, organized, and accurate fashion. Each paragraph contained in the affidavit, except for the heading, shall be numbered and listed in chronological order, and shall include a thorough explanation of the following:
 - a. A full description of the place, item or person to be searched;
 - b. The background and identifying information of the requesting member or agent (i.e., name, duty assignment, experience, training and any other relevant information about the requesting member);
 - c. A full and complete delineation of the reliability of the confidential informant (if applicable);
 - d. A full and complete recitation of the facts establishing probable cause; and
 - e. Descriptive information of items to be seized.
4. Members shall consult with the United States Attorney's Office (USAO) and obtain a search warrant when needed prior to the physical installation of a Global-Positioning-System (GPS) or any other information-gathering device to a vehicle. See *U.S. v. Jones*, No. 10-1259, U.S. Supreme Court (Jan. 23, 2012). 2012).

B. Pre-Warrant Conferences

1. Prior to the application of a search warrant, the member applying for the search warrant, and the official the rank of lieutenant or above in charge of the member's unit, shall hold a pre-warrant conference to determine whether there is probable cause to support the search warrant application.

2. Matters to be discussed during the pre-warrant conference are included on the PD Form 296-A (Pre-Warrant Execution Check List) and/or a Search Warrant Operational Plan.
 3. In consultation with the affiant, the official reviewing the search warrant shall take all risk factors associated with the search warrant into consideration (e.g., location, target's potential for violence, weapons).
 4. Consultation with the Emergency Response Team (ERT)
 - a. The reviewing official shall contact his/her commanding official and the Commanding Official, ERT, if the reviewing official has reason to believe that:
 - (1) Chemicals, explosives, or other hazardous materials are present at the search location;
 - (2) The search location is fortified or entry requires breaching tools beyond the capacity of the originating unit;
 - (3) The subject of the warrant has training in explosives; or
 - (4) Service of the warrant requires training or capabilities beyond the capacity of the originating unit.
 - b. Based on his/her assessment of the risk factors, the Commanding Official, ERT, shall either direct that the warrant be served by ERT or direct that the originating unit serve the warrant.
- C. Applications for Search Warrants
1. Members requesting the issuance of a search warrant shall:
 - a. Prepare a PD Form 274 and/or Form AO 93A, indicating the appropriate court for which the application is being made by marking the corresponding block.
 - b. Prepare a:
 - (1) Form CD 1055 (Search Warrant) D.C. Superior Court; or
 - (2) Form AO106 (Application for a Search Warrant) U.S. District.

- c. Certify the PD Form 273 (Record of Review of Affidavit), by completing the appropriate section.
 - d. Submit the completed affidavit/ PD Form 274, along with the case jacket and the PD Form 273, to an official the rank of lieutenant or above in his/her organizational element for approval.
2. The approving official shall indicate approval by affixing his/her signature to the PD Form 273 and initial and date the PD Form 274 on the bottom right hand corner of the PD Form 274.
3. Members shall request a separate warrant for each:
 - a. Location;
 - b. Item (e.g., safe, vehicle); or
 - c. Person;to be searched.
4. After obtaining approval from the appropriate official, the member seeking a search warrant shall contact the Case Explorer Coordinator (CEC) assigned to their District/Unit for event de-confliction.
5. The CEC will enter the location into the HIDTA Case Explorer database and provide case de-confliction (CE) numbers for the event.
6. After the location has been cleared by the CEC, the requesting member shall print the CEC's name in the appropriate section of the PD Form 273 along with his/her own initials. The Case Explorer de-confliction tracking number shall also be entered in the appropriate block. The PD Form 273 and affidavit/ PD Form 274 shall then be submitted to the appropriate prosecuting attorney for review.
 - a. Applications for all search warrants involving charges arising from violations of the U.S. Code shall be presented to an Assistant United States Attorney (AUSA) assigned to the Criminal Division, United States District Court for the District of Columbia, prior to being presented to a judge/magistrate judge.
 - b. Drug/Narcotic warrants must be approved by an AUSA with the Narcotics/Federal Major Crimes Section.
 - c. Applications for other search warrants arising from violations of

the D.C. Official Code shall be presented to an AUSA assigned to either the Grand Jury-Intake Section, or Criminal Division of the Superior Court of the District of Columbia, whichever is applicable, prior to being presented to a judge.

- d. When the AUSA or the judge/magistrate judge denies a member's affidavit and the member cannot remedy the deficiencies, the member shall:
 - (1) Indicate in the appropriate section of the PD Form 273 the reason the affidavit was denied.
 - (2) Notify an official of the Narcotics and Special Investigations Division (NSID) by telephone the search warrant was denied and note the date and time on the PD Form 273.
 - (3) Notify the approving official of the denial of the warrant.
7. Members requesting emergency search warrants after business hours shall contact the CEC assigned to their District/Unit or any available **on-duty** CEC to obtain case de-confliction numbers prior to contacting the on-call AUSA.
 - a. The requesting member shall print the name of the CEC in the appropriate space on the PD Form 273, along with his/her own initials. The case de-confliction tracking numbers shall be entered in the appropriate block on the PD Form 273.
 - b. The requesting member shall contact the respective on call AUSA via the Mayor's Citywide Call Center.
 - c. Upon the authorization of the AUSA approving the affidavit, the requesting member shall print the attorney's name in the appropriate space on the PD Form 273, along with his/her own initials.
 - d. The requesting members shall call the DC Homeland Security Emergency Management Agency and request that the on-call Superior Court Judge be contacted for the issuance of an emergency search warrant.
8. Members requesting an **oral search warrant** from the U.S. District Court of the District of Columbia shall:
 - a. Prepare a PD Form 273.

- b. Contact the CEC assigned to their District/Unit or any available **on-duty** CEC to obtain case de-confliction numbers prior to contacting the on-call AUSA. The requesting member shall print the name of the CEC on the PD Form 273 and enter the case de-confliction tracking numbers in the appropriate block.
 - c. Contact the U.S. Attorney's Office, (U.S. District Court Criminal Division), informing him/her that an oral warrant is being applied for and request that a judge/magistrate judge be advised that it will be a telephonic request.
 - d. When court is not in session, telephone the on-call AUSA for the U.S. District Court Criminal Division. Read the affidavit and request that a search warrant be issued.
 - e. Upon approval of the request, the AUSA will contact the Judge/Magistrate Judge, and advise him/her that the affidavit/PD 274 has been prepared.
 - (1) The requesting member shall print the approving AUSA's name in the appropriate block of the PD Form 273.
 - (2) The member shall complete the Form AO 93A.
 - f. The AUSA will arrange for a conference call with the Judge/Magistrate Judge, the member, and himself/herself.
 - (1) The conference call will be recorded or documented by the Judge/Magistrate Judge for future court use.
 - (2) The member will be sworn in by the Judge/Magistrate Judge.
 - (3) The member shall read the affidavit/ PD 274 verbatim to the Judge/Magistrate Judge.
 - (4) If the warrant is denied, follow the procedures enumerated in Part VII.C.6 of this order.
9. Search warrant manpower requirements
- a. No civilians shall be present at any phase of a search warrant unless they possess specific needed expertise (e.g., AUSA, animal control, locksmith).
 - b. The official in charge of the search warrant execution shall:

- (1) Be responsible for determining the number of members needed for the operation based upon safety considerations. A minimum of eight (8) sworn members shall be required for the service of a search warrant unless an exception has been granted by the Unit's Bureau Head, or when applicable, the respective Commanding Officer or his/her designee.
- (2) Ensure a uniformed member is assigned and shall be visibly present at the entry location of the warrant premises when the knock and announce is initiated.
- (3) Record the name of the approving official in the notification checklist section on the PD Form 296 or within the Search Warrant Operational Plan when authorization is granted to utilize less than eight (8) sworn members to execute a search warrant.

D. Pre-Warrant Execution Briefings

1. The official in charge, with the assistance of the affiant, shall conduct a pre-warrant execution briefing in accordance with the PD Form 296 and/or a Search Warrant Operational Plan.
2. The service of the warrant shall be carefully planned and executed so that the element of surprise is maximized and sound tactics are utilized.
3. The purpose of the pre-warrant execution briefing is:
 - a. To formulate the plan of how the search warrant will be executed and to assign the team members who will participate.
 - b. To assign specific functions to team members in accordance with their special skills (e.g., photography, evidence collection techniques, weapons, diagrams).
 - c. To prepare all participants and ensure they have the proper uniform and equipment to safely gain entry, perform a thorough search and investigation.
 - d. To ensure that all participants know and recognize each other and are apprised when different agencies are working together.
 - e. To ensure all members, to include outside agencies, are made aware of the tentative recognition signal during the pre warrant

briefing.

- f. To designate a dedicated radio channel for coordination and communication.
- g. To consult with or arrange for the assistance of the Canine Unit, the Emergency Response Team, the Asset Forfeiture Unit, the Electronic Surveillance Unit, the Washington Humane Society, or other specialized units and agencies as needed.
- h. To ensure that search warrant kits are properly stocked with items/equipment that may be necessary during the execution of the search warrant, including, but not limited to, drug/narcotic field test kits, property envelopes, property tags, rubber bands, disposal gloves, flex cuffs, alternative light sources, personal protection equipment (PPE) and PD Forms 76 (Stop or Contact Report).
- i. To ensure that the number of members assigned to carry out the search warrant execution is sufficient.
- j. To discuss the precise layout of the premises, if known, and the area surrounding the building. Copies of such layouts shall be given to members of the execution team, whenever possible.
- k. To describe the suspect(s) and disseminate photographs, if available. The suspect's background and/or criminal history shall also be discussed.
- l. To discuss the possibility of children being inside and/or around the premises.
- m. To discuss the possibility of dangerous animals being inside of or around the premises, and the possibility of traps located on the property.
- n. To describe any suspect vehicles that could possibly be used as a method of escape.
- o. To identify the nearest hospital and proposed emergency route.
- p. To discuss any counter surveillance measures taken by suspect(s) and or violators.

E. Pre-Execution Surveillance

When used, the pre-execution surveillance team shall:

1. Establish a surveillance post.
2. Monitor the activities at the target location.
3. Locate persons who may be serving as look-outs or doormen who might disclose the search warrant team presence.
4. Notify the official in charge of any unusual activity that may interfere with the successful execution of the search warrant.

F. Execution of Search Warrants

1. Members, when executing a search warrant, shall be mindful that the safety of all persons in the area is of paramount importance.
2. The lieutenant in charge of the operation, or an official (civil service sergeant or above) designated by the lieutenant, shall be present at the execution of all search warrants.
3. A search warrant shall generally be executed during daytime hours, unless the member can articulate a need for an exemption to this rule.
 - a. D.C. Superior Court defines daytime hours as 0600-2100 hours, whereas the U.S. District Court defines daytime as 0600-2200 hours.
 - b. In the D.C. Superior Court, an exception to the daytime execution of warrants is a search warrant for illegal drugs/narcotics. For suspected violations of drug/narcotic laws, only probable cause for the issuance of the warrant is required, and no additional showing of probable cause is required to justify a nighttime search.
4. When the team members arrive on the scene and **prior** to the execution of the warrant, the watch commander of the involved patrol district shall be notified of the location as well as any unusual occurrences.
5. When exiting their vehicles on the scene, members shall ensure that all vehicles are secured and locked. An official in charge shall ensure that MPD vehicles are closely monitored during the execution of the warrant. Once the premises have been secured, all vehicles shall be

parked in legal parking spaces.

6. A uniformed member shall be visibly present at the entry location of the warrant premises when the knock and announce is initiated. Uniformed members may be stationed at each door of the premises, depending on availability.
7. If entry is refused, the door or window to the premises shall be quickly forced open in accordance with GO-OPS-309.03 (Forcible Entries/Property Damage Caused by Metropolitan Police Department).
8. Once entry is gained, the initial consideration of the entry team must be safety and security, and not evidence gathering, although the original location(s) of the occupants at the time of entry shall be noted.
 - a. Occupants shall be given simple, authoritative commands.
 - b. All arrested persons shall be searched, handcuffed and closely monitored. All other occupants shall be “patted-down” when necessary.
 - c. Members who are designated to handle prisoner security shall:
 - (1) Thoroughly search all persons that are placed under arrest.
 - (2) Separate the prisoners and not allow them to communicate with one another.
 - (3) Have transport vehicles brought as close to the actual location as possible.
 - (4) Remove all prisoners, as soon as practicable, from the scene.
 - d. If the search of the premises is being conducted on public property (i.e., event where access is open to the general public), members shall not subject each individual on the premises to a full-body search.
 - e. Members must be able to articulate probable cause for a full-body search should the need arise. Factors that may determine whether probable cause exists to conduct a full-body search include the following:
 - (1) The search warrant specifically authorizes the search of

- an individual/ individuals who are on the premises at the time.
- (2) Members entering the premises observe an occupant making gestures or comments indicative of criminal conduct (e.g., on entry, an occupant attempts to flee from the premises) or an attempt to conceal contraband.
 - (3) The members entering the premises have developed information that a particular person is involved in the criminal activity on which the search warrant is based.
- f. Members may search any person on the premises to the extent reasonably necessary to ensure safety and/or find contraband or property enumerated in the search warrant.
 - g. If the search of the premises is being conducted on private property, the occupants shall be searched if the members executing the warrant can articulate a reasonable belief that the occupants were involved in the illegal activity on which the warrant is based.
 - h. Members assigned to the outside security team shall:
 - (1) Be clearly identified as law enforcement and appropriately equipped in the same manner as the entry team.
 - (2) Surround the premises and be in place upon entry.
 - (3) Apprehend suspects observed fleeing from the target location.
 - (4) Identify subjects who may attempt to discard evidence.
 - (5) Refrain from entering the location until such time as they are advised by the official in charge that the location is secure and invited into the premises.
9. Members shall not assist in the service of search warrants with other law enforcement agencies **unless** prior approval has been obtained as follows:
- a. If the location where the warrant is to be served is within the District of Columbia, prior approval must be granted by the member's division or district Commander/Director, or the official then in charge of the member's division or district, the rank of

captain or above. If an official the rank of captain or above is not in charge of the member's district/division at the time of the request, approval must be obtained from the Field Commander.

- b. If the location where the warrant is to be served is outside of the District of Columbia, prior approval must be obtained from the unit's bureau head, or the Field Commander.
10. If, during the course of the execution of a search warrant, members discover a Phencyclidine (PCP) Lab or other clandestine lab or drug manufacturing operation, the official in charge of the search warrant shall immediately evacuate the premises and secure the location. The official shall then notify the Command Information Center (CIC) regarding the suspected manufacturing operation.
 - a. The CIC shall notify:
 - (1) D.C. Fire Emergency Medical Department's (DCFEMS) Hazardous Materials Response Team;
 - (2) NSID; and
 - (3) The Drug Enforcement Administration (DEA) On-Call Emergency Clandestine Laboratory Response Team.
 - b. A search of the location shall only be conducted after trained hazardous material technicians have neutralized all hazardous substances and have rendered the scene safe.
 11. The official in charge of the search warrant execution shall be consulted prior to the release of any person(s).
 12. A copy of the warrant containing an inventory of the property seized and prepared by the documenting member shall be given to the owner, tenant or occupant or left visibly within the premises along with a copy of the PD Form 240-A (Notice of Property Damage) if applicable.

G. Searches and Seizures

1. When executing a search warrant, the search and seizure phase is the most critical. The mission cannot be considered successful if the evidence is seized in a technically defective manner, thereby preventing its use in court.
2. The member(s) assigned to search for evidence shall:

- a. Locate evidence with the goal of preserving any potential fingerprints or needed trace evidence for the Crime Scene Investigations Division (CSID) to obtain/ print.
 - b. Avoid touching or handling the evidence. Upon discovering items of evidence, searching members shall safeguard it until such time as it can be recovered by the evidence seizure member.
3. The member designated as the seizing member shall:
 - a. Complete a seizing list.
 - b. Document the time of entry to the premises and if entry was made by force by the search warrant team.
 - c. Document the time of exit from the premises by the execution team.
 - d. Document the transfer and removal of all evidence.
 - e. Prepare a detailed inventory of the items seized and submit a copy to the official in charge.
4. The member designated as the diagramming member shall prepare a diagram of the floor plan of the entire premises searched, noting the location of drugs, narcotic paraphernalia, other evidence, and persons present at the time of the execution of the warrant.
5. The member designated as the PD76 member shall:
 - a. Run WALES/NCIC check on occupants.
 - b. Identify by name, address, date of birth, social security number, all persons present on the premises when the warrant is executed.
 - c. Once a diagram is completed, electronically forward a copy of the diagram and the search warrant cover page to the Commanding Officer, ERT, for their files and information.
6. The member designated as the photographer shall:
 - a. Photograph each item of evidence and the place from which it is seized.

- b. Photograph evidentiary items which show possession or occupancy of the premises or knowledge of the existence of drugs, such as personal papers, clothing and any other identifiable personal belongings.
 - c. Photograph all persons inside the location.
 - 7. Members designated as the arrest team shall:
 - a. Assist in the preparation of the PD Form 256 (Quick Booking Form) for arresting member(s).
 - b. In the event that no arrest is made during the execution of a Search Warrant, prepare a PD Form 251 (Incident-Based Event Report) classified as "Execution of Search Warrant" outlining the circumstances of the search and seizure effort.
- H. Returning Search Warrants
 - 1. When the search warrant is executed, a member involved in the execution shall return the warrant to the Judge in Chambers of the appropriate court on the next business day (D.C. Official Code, Title 23, Section 524 (d)). Warrants which expire before they are executed must also be returned to court.
 - a. District of Columbia Superior Court warrants must be served within ten (10) **calendar** days of issuance.
 - b. United States District Court warrant must be served within ten (10) **calendar** days of issuance or as otherwise specified in the warrant.
 - 2. The member returning the warrants shall provide the Judge in Chambers with:
 - a. A complete itemized inventory of all seized property along with the Form AO-93 or Form AO-93A for United States District Court warrants.
 - b. A completed listing of all items seized in the return section of Form CD-1055 for District of Columbia Superior Court warrants.
 - 3. The member obtaining the warrant shall ensure that the CEC for their District/Unit is provided with follow-up information for inclusion to the HIDTA Watch Center Database.

- I. Post-Warrant Execution Debriefings
 1. In accordance with the PD Form 296B (Post-Warrant Execution Checklist) and/ or an After Action Review (AAR), a post-warrant execution debriefing shall be conducted by the officials and key team members involved in the execution of the search warrant.
 2. The purpose of this debriefing is to assess the execution process and evaluate procedures currently being utilized against problems experienced during the execution of the search warrant.
- J. Warrantless Searches and Consent Searches
 1. Members may search any object, place, or person if consent for that search is given by a person with legal authority to do so.
 - a. Consent searches:
 - (1) Must be authorized by a person who has the legal authority to give the consent;
 - (2) Must be limited to the exact words or meaning of the consent; and
 - (3) May be withdrawn at any time.
 - b. Members shall:
 - (1) Use the PD Form 781 (Consent to Search) to document consent searches of premises; **or**
 - (2) Document (e.g., notebook, field report) who gave the consent to search the premises, the relationship of the person giving consent to the area searched, and the time the consent was given.
 2. Searches Based on Exigent Circumstances
 - a. Absent authorization from a person with legal authority to provide consent, a warrantless search of any non-public location may be conducted only under one (1) or more of the following emergency circumstances:
 - (1) To protect life or prevent injury;
 - (2) To protect evidence that is in immediate danger of

destruction;

- (3) When in active “hot pursuit” of a fleeing suspect; or
 - (4) When evidence exists to believe that a suspect is located inside and he/she is likely to flee.
- b. Once entry has been made for an emergency situation as outlined above (Part.VII.J.2.a), members may:
- (1) Seize any evidence or contraband observed in “plain view”;
 - (2) “Clear” the dwelling for any potential danger to emergency responders; and
 - (3) Assist other members, already within the dwelling, as necessary to restore or maintain order until the emergency ends.
- c. Once the emergency circumstances have ended, any further search and seizure must be carried out **after** obtaining a valid consent or search warrant.
- d. Members who conduct warrantless searches of dwellings shall complete a field report [i.e., PD Form 251 (Incident-Based Event Report)] with a classification of “Warrantless Search” and document the justification for the search in the narrative.
3. Warrantless Searches of Crime Scenes inside a Dwelling
- a. Members responding to a reported crime who determine that the crime scene is located inside a dwelling shall adhere to the procedures regarding warrantless searches outlined above (Part VII.J.2).
 - b. Whenever practicable, at least one (1) member shall remain within the crime scene while emergency activities are ongoing in accordance with Department procedures.
 - c. Once the emergency activities surrounding the entry have ended and the premises have been secured, no further entry into the residence shall be made by anyone until a valid consent or search warrant has been obtained.
 - d. If it has been determined that a search warrant is necessary, at

least one (1) member shall remain outside of the crime scene to secure the scene in accordance with Department procedures until relieved by an official or the appropriate investigating member.

4. Nothing in this order is intended to prohibit members from conducting protective sweeps when responding to calls for service. Protective sweeps must:
 - a. Limited to an area that may harbor an individual that would pose a danger to those on the arrest scene; and,
 - b. Last no longer than necessary to dispel reasonable suspicion of danger.

VIII. ROLES AND RESPONSIBILITIES

- A. The CEC assigned to the member's unit shall:
 1. Enter the warrant information (e.g., time period of warrant block, address/ location, affiant's contact information) into the HIDTA Case Explorer database.
 2. Ensure that the location does not conflict with another unit/division or agency's current operations.
 3. Advise the requesting member of conflict responses from the database.
 - a. If the HIDTA Case Explorer database returns a notice of conflict, the system will automatically provide the contact information for the law enforcement agency that is in conflict.
 - (1) The CEC shall provide the requesting member with a contact number for the law enforcement division/unit or agency that is in conflict.
 - (2) Once the conflict has been resolved, the CEC shall provide the member with de-confliction tracking numbers.
 - b. If the conflict cannot be reconciled with the other law enforcement agency, the member shall immediately notify his/her chain of command to bring the confliction to the attention of his/her Commanding Officer for final resolution.
 4. Enter the disposition and/or follow-up information from service of the

warrant into the HIDTA Watch Center Database.

- B. Officials Reviewing Search Warrants shall:
1. For specialized units, be a member the rank of lieutenant or above within the specialized unit; and for all other warrants be a member the rank of captain or above.
 2. Review all search warrants when they are presented to him/her for approval. The affidavit shall be reviewed for organization, content, and establishment of probable cause.
 3. Query the search warrant affiant regarding all pertinent information contained in the affidavit such as:
 - a. Is the address on the affidavit correct and properly described?
 - b. What steps were taken to ensure that the search warrant location is a good address?
 - c. Does the activity occur on a regular basis?
 - d. When was the last surveillance/buy conducted?
 - e. What suspicious activity was observed?
 - f. Who is the suspect(s) involved?
 - g. What is the suspect's criminal history?
 - h. What is the informant's reliability (if applicable)?
 4. When satisfied that the affidavit is accurate, truthful, properly prepared, and has established probable cause, indicate approval by affixing his/her signature on copies of the affidavit and complete the appropriate section of the PD Form 273 and all other applicable forms.
 5. If the reviewing official does not approve the affidavit, inform the requesting member of his/her reason(s) for disapproval and suggest ways to remedy the deficiency.
- C. Officials in charge of search warrant executions shall:
1. Hold a pre-warrant conference with the member(s) initiating the warrant.

2. Conduct a pre-execution briefing with all members who are assigned to assist with the pre-execution surveillance and in the execution of the search warrant.
 3. Contact his/her Commanding Officer and ERT in accordance with Part VII.B.4 of this order.
 4. Ensure that all members assigned to assist in the execution of the search warrant are properly attired in apparel that makes them instantly recognized as a member of law enforcement. Badges and IDs must be worn in a manner that can be easily observed by the public.
 5. Be present to supervise the execution of the warrant, or designate an official to be present at the execution.
 6. Conduct the post-warrant execution debriefing/After Action Review.
 7. Ensure that a detailed inventory list of all items seized and a PD Form 251 are prepared.
 8. Ensure that a list of all items seized is submitted to the owner/tenant, if he/she is present. If the owner/tenant is not present, a copy shall be left on the premises.
 9. Ensure that a PD Form 240 (Report of Forcible Entry) and PD Form 240-A are prepared, if appropriate.
 10. If the owner is present **and** forced entry was made **or** property damage took place during execution of a search warrant a PD 240-A shall be left with the owner. Also, if owner is not present **and** forced entry was made or property damage took place a PD 240-A shall be left in a prominent position with the owner's copy of the search warrant.
- D. Commanding Officers shall ensure:
1. Search warrant kits are maintained by their designated units for use in the execution of search warrants.
 2. Search warrants are returned to the court in accordance with this order.
- E. The Commander, NSID, shall:
1. Ensure that a search warrant database is maintained and utilized to de-conflict search warrant locations and operations.

2. Resolve, along with the affected Commanding Officer, any conflict arising between the NSID and any element seeking a search warrant for the same address.
3. Refer conflicts between districts and/or other elements within the department to the Assistant Chief, Investigative Services Bureau, for resolution.
4. Review affidavits, search warrants and any other documents for the purpose of identifying additional training needs and/or other problems.
5. Initiate a report to the Assistant Chief, Investigative Services Bureau, upon identifying the need for additional training or other problems related to search warrants.

IX. CROSS REFERENCES

- A. GO-OPS-309.03 (Forcible Entries/Property Damage Caused by Metropolitan Department Police Action)
- B. U.S. Code, Title 18, Section 205
- C. D.C. Official Code, Title 23, Section 523
- D. D.C. Official Code, Title 23, Section 524-d
- E. *U.S. v. Jones*, No. 10-1259, U.S. Supreme Court (Jan. 23, 2012)



Cathy L. Lanier
Chief of Police

CLL:PAB:MOC:BNB