

GENERAL ORDER



DISTRICT OF COLUMBIA

Title Search Warrants		
Topic	Series	Number
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Related to: GO-OPS-304.08 (Crime Scene Response and Evidence Collection) GO-PCA-702.01 (Arrest Warrants) GO-SPT-601.01 (Recording, Handling, and Disposition of Property Coming into the Custody of the Department)		

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I. PURPOSE

It is the policy of the Metropolitan Police Department (MPD) to employ techniques for thorough and legal search warrant executions in order to respect the constitutional rights of persons a warrant is being served upon, minimize the level of intrusion experienced by those who are having their premises searched, provide for the safety of all involved persons, and establish a record of the warrant execution process. The purpose of this general order is to provide policies and procedures related to obtaining and serving search warrants.

II. PROCEDURES

A. Search Warrant Preparation

1. All search warrants shall be based upon probable cause, supported by an oath or affirmation. The requirement of establishing probable cause under oath is a Constitutional guarantee. The courts will consider any facts known to the member at the time of application (e.g., evidence from the member's own observations, information from informants, or information

from non-criminal sources such as community members or other MPD members).

2. Violation of the probable cause legal requirement by a member could result in any or all of the following:

Establishing Probable Cause	
a.	The exclusion of illegally seized evidence against the defendant in a criminal trial;
b.	A civil suit brought by the aggrieved party against the member, resulting in monetary damages;
c.	A civil rights violation brought against the member under § 42 USC 1983 , possibly resulting in monetary damages;
d.	A civil rights violation brought against the member under § 18 USC 242 , possible resulting in fine or imprisonment; or
e.	Financial loss to the department or supervisor as a result of a civil suit brought by the aggrieved party for failure to properly train or supervise.

3. All matters related to search warrant application and execution shall be treated with the utmost confidentiality.
4. Prior to the search warrant application, the member shall request approval from his or her reviewing official. The reviewing official shall determine whether there is sufficient probable cause to support the search warrant application.
 - a. Patrol affiants shall submit all drug-related affidavits to their patrol district’s Crime Suppression Team (CST) lieutenant for review and approval. If the CST lieutenant is unavailable, affidavits shall be reviewed by an official the rank of captain or above.
 - b. Patrol affiants shall submit all non-drug-related affidavits to their district’s Criminal Investigation Division (CID) District Detectives Unit (DDU) lieutenant for review and approval. If the DDU lieutenant is unavailable, affidavits shall be reviewed by an official the rank of captain or above.
 - c. All other affiants shall submit all affidavits to an official the rank of lieutenant or above within their unit.
5. The reviewing official, when presented with an affidavit for review shall ensure, to the best of his or her ability, the accuracy, validity, and truthfulness of the information, based upon the probable cause standards described in this order.

B. Search Warrant Affidavits

1. When applying for a search warrant, affiants shall corroborate the facts stated in the affidavit and determine the accuracy, validity, and truthfulness of the information presented.

2. Affiants 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 information, as applicable:

Affidavit Information	
a.	A full description of the place(s), item(s) and/or person(s) to be searched;
b.	The background and identifying information of the affiant (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 any items to be seized.

3. The affiant shall request a separate warrant for each location, item (e.g., safe, vehicle), and person to be searched or arrested. The only exception to this requirement is that the affidavit for a location may also include a request to search all persons inside the location when it is probable that anyone on the premises is involved in the criminal activity in such a way as to have evidence thereof on his or her person.
4. The affiant shall prepare a Form CD 1055 (Search Warrant) for DC Superior Court or a Form AO106 (Application for a Search Warrant) for US District Court, as applicable. The affiant shall also certify the PD Form 273 (Record of Review of Affidavit) and submit the completed affidavit to the appropriate reviewing official for approval.
5. When satisfied that the affidavit is accurate, truthful, properly prepared, and has established probable cause, the reviewing official shall indicate approval by affixing his or her signature on copies of the affidavit and complete the appropriate section of the PD Form 273 and all other applicable forms. If the reviewing official does not approve the affidavit, he or she shall inform the affiant of his or her reasons for disapproval and/or suggest ways to remedy the deficiency.
6. After obtaining approval from the reviewing official, the affiant shall de-conflict the warrant through the High Intensity Drug Trafficking Areas (HIDTA) program case explorer (CE) database by contacting any available on-duty member with CE access.
- a. The accessing member shall enter the warrant information (e.g., time period, location, affiant's contact information) into the CE database to ensure that the location does not conflict with another MPD element or outside agency's current operations. The CE database shall not be used to add case notes or intelligence; only basic identifying information used to generate matches with other investigations shall be entered into the system.

- b. The member shall advise the affiant of the conflict responses from the database.
 - c. If the database returns a notice of conflict, the system will automatically provide the contact information of the law enforcement agency that is in conflict and the member shall provide that information to the affiant. Once the conflict is resolved, the member shall provide the affiant with the CE de-confliction tracking number for the event.
 - d. If the conflict cannot be reconciled with the other law enforcement agency, the affiant shall immediately notify his or her chain of command to bring the confliction to the attention of his or her commanding official for final resolution.
7. After the location has been cleared, affiants shall complete the United States Attorney's Office (USAO) warrant submission form. Each warrant submission shall be submitted separately to the warrant intake email address at USADC.Felonywarrants@usdoj.gov and may not be combined with an arrest warrant request.
7. Affiants shall include all applicable items [e.g., warrant submission form, Giglio form, affidavit, case notes, statements, electronic evidence, and all records management system (RMS) reports and attachments] and copy the reviewing official.
8. Upon USAO approval, the affiant will receive a signed and dated warrant for submission to the court. Affiants shall sign and submit the approved warrant and affidavit (and coversheet, if applicable) to the warrant office at DCCriminalWarrants@dcsc.gov along with his or her contact information. The warrant office will forward the information to the assigned warrant judge who will call the affiant to swear to the affidavit. The affiant shall be prepared to provide the judge with any additional information, as needed.
9. If the judge approves the warrant, he or she will email a signed copy back to the warrant office, USAO, and the affiant.
10. When a member's affidavit is denied and the member cannot remedy the deficiencies, the member shall document the reason the affidavit was denied in the appropriate section of the PD Form 273 and notify the approving official.
11. Special Circumstances
 - a. Members shall consult with USAO and obtain a search warrant prior to a physical installation of a global-positioning system (GPS) or any other information-gathering device to a vehicle.

- b. Members requesting emergency search warrants after business hours shall contact the on-call AUSA via the mayor's command center who will contact the appropriate USAO supervisor.
- c. 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 complete the AO 93A (Search Warrant upon Oral Testimony) along with their affidavit which will be read to a judge or magistrate. Members shall inform the on-call AUSA of the oral warrant application and request that a judge or magistrate be advised that it will be a telephonic request. Upon approval of the request, the AUSA will contact the judge or magistrate and advise him or her that the affidavit has been prepared. The AUSA will arrange a recorded conference call with the judge or magistrate and the member who will be sworn in before reading the affidavit verbatim.

C. Threat Assessment

1. Upon certification of a search warrant involving a structure, the requesting member shall prepare the PD Form 296-A (Pre Warrant Execution Check List) and any relevant documentation and risk factors obtained during the investigation [e.g., criminal history, Washington Area Law Enforcement (WALE)/III, (Justice Information System (JUSTIS), Juvenile JUSTIS, Morpho Face, Accurint, LinX, Bureau of Prisons (BOP), Maryland Dashboard, social media, and Intel's Validated Crew Member Database] to accompany the affidavit and/or AO 93A.
2. The reviewing official shall hold a pre-warrant conference with the requesting member to discuss all risk factors associated with the structure warrant (e.g., location, target's potential for violence, weapons) and complete the PD Form 296-A1 (Threat Assessment Matrix). Based on assessment of the risk factors, the reviewing official shall:
 - a. For potentially high-risk warrants (HRW) (i.e., structure warrants scoring 35 or more points), the reviewing official shall forward the signed warrant, PD Form 296-A1, and criminal history workup to hrw.adminbox@dc.gov within 24 hours of receiving signature for the warrant from the judge or magistrate for review by the HRW panel. The reviewing official shall copy their commanding official as well as the commanding official of the district of occurrence.
 - b. For any other warrants (i.e., structure warrants scoring under 35 points), reviewing officials shall forward the signed warrant to ert.adminbox@dc.gov. The subject line shall be styled in this format: DISTRICT SEARCH WARRANT DATE (e.g., 1D SEARCH WARRANT 09/20/2021). The reviewing official shall copy their commanding official as well as the commanding official of the district of occurrence.

3. The Emergency Response Team (ERT) shall maintain an updated registry of **all** structure warrants being executed on a daily basis with a team readily available in the event of a transition into a barricaded subject situation where ERT response is needed.
4. The HRW panel shall be comprised of the following members.

HRW Panel
a. Special Operations Division commander (chair)
b. Violent Crime Suppression Division captain
c. Criminal Investigations Division captain
d. Union representative designated by the Fraternal Order of Police (non-voting)

5. Upon receipt of a signed warrant and PD Form 296-A1, the panel shall promptly assess the points allocated by the reviewing official and review all information provided to determine which unit will serve the warrant. The panel shall take no longer than 48 hours from the time that the email was received to provide the panel's assessment to the applicable commanding official with a copy to the reviewing official and district commander.
6. In the event of an emergency HRW (e.g., an outside agency requires assistance with a felony search warrant in the middle of the night), an involved member shall contact the Command Information Center (CIC) for the ERT 805.5 (Unusual Incident) call-back service list, which is available 24 hours per day and seven days per week.
7. Use of the PD Form 296-A1 and HRW panel process ensures that the best equipped units serve warrants based on the available information and totality of the circumstances. This process cannot remove the threat a unit may encounter, therefore, all warrants shall be served effectively, efficiently, and safely pursuant to this order, regardless of the type of warrant that is being executed (e.g., traffic offense, misdemeanor offense, outside agency partner assistance).

D. Pre-Execution Operational Planning and Surveillance

1. Execution of a structure warrant shall be carefully planned and executed so that the element of surprise is maximized and sound tactics are employed. The official in charge, with the assistance of the affiant, shall prepare an operational plan. The operational plan shall be prepared using the warrant service operational plan template and include the following information, as applicable:

Operational Plan
a. How the warrant will be executed.
b. List of sufficient number of team members who will participate.
c. Assignments of specific functions to team members in accordance with their special skills (e.g., photography, evidence collection techniques, weapons, diagrams).
d. Assignments of Canine Unit, ERT, Asset Forfeiture Unit, Electronic Surveillance Unit, Washington Humane Society, or other specialized units and agencies, as needed.

e.	Precise layout of the premises, if known, and the area surrounding the building.
f.	Description of the suspect(s) with criminal history.
g.	Description of all potential risk factors.
h.	Discussion of children or animals being inside and around the premises and the possibility of traps located on the property as well as any suspect vehicles that could possibly be used as a method of escape.
i.	Listing of the nearest hospital and proposed emergency route.
j.	Discussion of any counter surveillance measures taken by suspects and violators.

2. The official in charge shall submit the operational plan to the supervising lieutenant or captain for approval. All approved operational plans shall be forwarded to the district commander.

3. The official in charge, with the assistance of the affiant shall conduct a pre-execution briefing in accordance with the warrant operational plan with all members who are assigned to assist with the pre-execution surveillance and warrant execution. The purpose of the pre-warrant execution briefing is to:

Pre-Execution Briefing	
a.	Present the operational plan and to assign the team members who will participate.
b.	Prepare all participants and ensure they have the proper uniform and equipment to safely gain entry, perform a thorough search, and/or investigation.
c.	Ensure that all participants know and recognize each other and are apprised when different agencies are working together.
d.	Ensure all members, to include outside agencies, are made aware of the tentative recognition signal during the pre-warrant briefing.
e.	Designate a dedicated radio channel for coordination and communication.
f.	Ensure that search warrant kits are properly stocked with items and equipment that may be necessary during the execution of a search warrant, including, but not limited to, drug field test kits, property envelopes, property tags, rubber bands, disposal gloves, flex cuffs, alternative light sources, and personal protection equipment (PPE).
g.	Discuss the precise layout of the premises, if known, and the area surrounding the building and distribute copies of layouts, whenever possible.
h.	Provide suspect(s) description(s) and disseminate photographs, if available. Suspect(s)' background and criminal history shall also be discussed.
i.	Present all risk factors and applicable information from the operational plan.

4. The official in charge of the warrant execution shall determine the precise number of members needed for the operation based upon safety considerations. No less than eight sworn members shall be present for warrant service unless an exception is granted by the element bureau chief, or when applicable, the respective commanding official or his or her designee. The official in charge of the warrant execution shall document such approval on the PD Form 296 or within the warrant service operational plan.

5. When applicable, the pre-execution surveillance team shall:

Pre-Execution Surveillance
a. Establish a surveillance post;
b. Monitor the activities at the target location;
c. Locate persons who may be serving as look-outs or doormen who might disclose the search warrant team presence; and
d. Notify the official in charge of any unusual activity that may interfere with the successful execution of the search warrant.

E. Warrant Execution

1. The safety of all persons in the area is of paramount importance. No civilians shall be present at any phase unless they possess specific needed expertise (e.g., AUSA, animal control, locksmith).
2. The official in charge of the warrant execution, or his or her designee, shall be present at the execution of all structure warrants to supervise the event. The official shall ensure that all members assigned to assist are properly trained in their assigned execution duties.
3. Members shall be attired in apparel that makes them instantly recognized as a member of law enforcement. Badges and identification shall be worn in a manner that can be easily observed by members of the public.
4. Search warrants shall generally be executed during daytime hours, unless the member can articulate a need for an exemption to this rule. DC Superior Court defines daytime hours as 0600-2100 hours, whereas the US District Court defines daytime as 0600-2200 hours. In the DC Superior Court, an exception to the daytime execution of warrants is a search warrant for illegal drugs. For suspected violations of drug 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.
5. There shall be at least one body-worn camera (BWC)-equipped member present with his or her BWC activated for all search warrant executions. Absent exigent circumstances, a BWC-equipped member on the entry team shall activate his or her BWC prior to and including entry. 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 any new offenses associated with the search warrant. If forcible entry was necessary, members shall also use the BWC category "Forcible Entry".
6. When the team members arrive on the scene and prior to the warrant execution, the watch commander of the involved patrol district shall be notified of the location as well as any unusual occurrences.

7. 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 warrant execution. Once the premises have been secured, all vehicles shall be parked in legal parking spaces.
8. A uniformed, BWC-equipped 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.
9. If entry is refused, the door or window to the premises shall be forced open after waiting a reasonable amount of time, in accordance with [GO-OPS-309.03 \(Forcible Entries/Property Damage Caused by Metropolitan Police Department\)](#).
10. Once entry is gained, the initial consideration of the entry team must be safety and security, and not evidence gathering, although the original location of the occupants at the time of entry shall be noted.
11. Occupants shall be given simple, authoritative commands.
12. All occupants shall be patted-down and documented when there is reasonable suspicion that the individual is armed, pursuant to [GO-OPS-304.10 \(Field Contacts, Stops, and Protective Pat Downs\)](#). All arrested persons shall be searched, handcuffed, and closely monitored.
13. Members **shall not** subject each individual on the premises to a full-body search simply for being present at the premises at the time of the warrant execution. Members **shall only** search persons on the premises when the search warrant specifically authorizes a search of the person or when the member has probable cause that the person is concealing a weapon, contraband, or evidence of a crime. Factors that may affect whether probable cause exists to conduct a full-body search include, but are not limited to:
 - a. The members who have entered the premises have developed information that a particular person is involved in the criminal activity on which the search warrant is based;
 - b. The type of crime being investigated, and the specific information that the members have about the suspected offense, including whether there is reason to think that unidentified individuals on the premises will be involved;
 - c. The connections between the individual and the premises being searched (e.g., whether the individual lives at the premises);

- d. The type of location being searched (e.g., a private residence where the individual would have to be invited, or a business establishment open to the public);
 - e. The circumstances of the warrant’s execution and any reaction by the individuals to the members’ notice of the warrant (e.g., there is failure or refusal to answer the door to the police in a manner suggesting that the occupants may be attempting to conceal contraband);
 - f. The members’ observations upon entry while executing the warrant, including any behavior by the individual indicative of criminal conduct (e.g., the individual attempts to flee from the premises upon entry, the individual makes movements suggesting an attempt to conceal contraband, the individual makes inculpatory statements);
 - g. The nature of the items being searched for, and whether those items are easily concealed on or about the person; and
 - h. The individual was found in immediate proximity to contraband in open view.
14. Members designated as the arrest team shall assist in the preparation of the PD Form 256 (Quick Booking Form) for any arrests made during the warrant execution as well as an arrest report in RMS. In the event that no arrests are made, members shall prepare an incident report in RMS classified as “Execution of Search Warrant” outlining the circumstances of the search and seizure effort.
15. Members who are designated to handle prisoner security shall act in accordance with [GO-PCA-502.01 \(Transportation of Prisoners\)](#). Members shall thoroughly search all persons that are placed under arrest, separate the prisoners and not allow them to communicate with one another, have transport vehicles brought as close to the actual location as possible and remove all prisoners, as soon as practicable, from the scene.
16. Members assigned to the outside security team shall:

Outside Security Team	
a.	Be clearly identified as law enforcement and appropriately equipped in the same manner as the entry team.
b.	Surround the premises and be in place upon entry.
c.	Apprehend suspects observed fleeing from the target location.
d.	Identify subjects who may attempt to discard evidence.
e.	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.

17. If, during the course of the execution of a search warrant, members

discover a phencyclidine (PCP) lab, 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 CIC regarding the suspected manufacturing operation. The CIC shall notify DC Fire Emergency Medical Department's (DCFEMS) Hazardous Materials Response Team, VCSD, and the Drug Enforcement Administration (DEA) on-call Emergency Clandestine Laboratory Response Team. 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.

18. The official in charge of the warrant execution shall be consulted prior to the release of any persons.
19. 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, and when applicable:
 - a. 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.
 - b. If the 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.
20. Members shall not assist in the service of search warrants with other law enforcement agencies unless prior approval has been obtained.
 - a. If the location where the warrant is to be served is within the District of Columbia, prior approval must be granted by an official the rank of captain or above in the member's chain of command, or if one is not available at the time of the request, approval shall 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 shall be obtained from bureau head or the field commander.

F. Search and Seizure

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. Members shall ensure that all evidence is collected pursuant to the procedures set forth in [GO-OPS-304.08 \(Crime Scene Response and](#)

[Evidence Collection](#)) and [GO-SPT-601.01 \(Recording, Handling, and Disposition of Property Coming into the Custody of the Department\)](#).

3. Members designated to search for evidence shall locate evidence with the goal of preserving any potential fingerprints or relevant trace evidence required for the Department of Forensic Sciences (DFS) to test.
4. Members designated to seize evidence shall document the time of entry and exit to and from the premises, whether force was used to gain entry, the transfer and removal of all evidence, and a detailed inventory of the items seized. A copy shall be submitted to the official in charge.
5. Member designated to diagram shall prepare a diagram of the floor plan of the entire premises searched, noting the location of drugs, drug paraphernalia, other evidence, and persons present at the time of the execution of the warrant.
6. Members designated to photograph shall photograph each item of evidence and the place from which it is seized, ensuring that all photographs of evidentiary items indicate possession or occupancy of the premises or knowledge of the existence of drugs, such as personal papers, clothing and any other identifiable personal belongings. Members shall also photograph all persons inside the location.

G. Search Warrant Returns

1. Members shall file a return **by the end of the next business day** by signing the return portion and emailing it along with a complete itemized inventory of all seized property to DC_Criminal_Warrants@dcsc.gov. Members shall ensure that their contact information is included in the body of the email but not on the affidavit since the affidavit is a public document.
2. The member returning the warrant shall ensure that follow-up information is updated in the CE database.
3. Warrants which expire before they are executed shall also be returned to court.

H. Post-Warrant Execution Debriefings

In accordance with the PD Form 296B (Post-Warrant Execution Checklist) and/or after-action review (AAR), a post-warrant execution debriefing to assess the execution process and evaluate procedures currently being used against problems experienced during the execution of the search warrant shall be conducted by the officials and key team members involved in the search warrant execution.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated.

	Term	Definition
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.	Oral search warrant	Search warrant based on sworn oral testimony communicated to a judge or magistrate.
4.	Probable cause	Set of facts, circumstances, or reliable information that would lead a reasonable and prudent police officer to believe that a crime has been committed, or is about to be committed, and that a certain person committed it.
5.	Reasonable	Fair, proper, or moderate under the circumstances. Determining whether a member has behaved reasonably is an objective standard whereby the court will consider the circumstances, not the intent of the actor.
6.	Reasonable suspicion	Minimal level of objective justification of a stop. Although reasonable suspicion is not capable of precise definition, it is more than a hunch or mere speculation but less than probable cause.
7.	Search	Intrusion of an individual's privacy or property interest.
8.	Warrant	Court order issued by judge or magistrate authorizing the police or some other body to make an arrest, search premises, or carry out some other action relating to the administration of justice.



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RJC:KDO:MOC:SMM