

16. CRIMINAL ARREST WARRANTS, SEARCH WARRANTS, & RAIDS (December 2005)

I. POLICY

The Office of the Sheriff (OSPG) has primary responsibility for serving legal process in Prince George's County, including all civil legal process and criminal arrest warrants. Upon OSPG request, officers may assist in keeping the peace or enforcing criminal laws at locations where civil process is executed.

Officers shall serve criminal or civil legal process (Protective Orders and Emergency Petitions) during those patrol and investigative functions normally conducted by the Department. Only sworn Departmental personnel shall handle criminal legal process. Civilian employees may assist in collecting evidence related to the execution of criminal process, but shall not participate in the physical apprehension, handling, or transportation of any person detained pursuant to criminal process.

II. CHECKLIST (N/A)

III. DEFINITIONS

Legal Process: Any writ, summons, warrant, body attachment, or other judicially issued written order that accomplishes at least one of the following objectives:

- ❑ Compels a person to appear before a civil or criminal court
- ❑ Orders the arrest or apprehension of any person
- ❑ Judicially authorizes or requires law enforcement officers to take specific

enforcement actions, such as searches and seizures

Raid: A sudden, forcible entry into a place by police, usually for serving search and seizure warrants or high-risk arrest warrants

IV. FORMS

- ❑ Arrest Report (PGC Form #3245)
- ❑ Continuation Report (PGC Form #3529A)
- ❑ Incident Report (PGC Form #3529)
- ❑ Report of Investigation (PGC Form #67M)
- ❑ Suspect Identification Sheet (PGC Form #3019)
- ❑ Raid Information Sheet

V. PROCEDURES

1. Arrest Warrants Obtained by Employees

The Department does not routinely enter or remove warrant information into or from any computer system. Officers shall not attempt to enter warrant information into any computer system. The OSPG performs these functions after receipt of a warrant and Suspect Identification Sheet.

In rare instances, the Director, Public Safety Communications (PSC), may authorize an exception to the above requirement. If so, they shall personally facilitate the entries or removals.

Unless authorized by a supervisor, all warrants shall be immediately forwarded to the OSPG with a completed Suspect Identification Sheet attached. Officers shall ensure that the CCN is recorded in the upper right section of each charging and supporting document.

Officers desiring notification of a suspect's arrest must include that request on the Suspect Identification Sheet. When an officer is notified that a person for whom he or she holds a warrant has been arrested, the officer shall immediately serve the warrant or turn it over to the OSPG.

The warrant shall be placed in the OSPG mailbox at the officer's facility and entered on the transmittal log for that mailbox. The OSPG Deputy will pick up the warrant.

If an initial offense report has not been written, the officer shall document the issuance of a warrant on an Incident Report. Otherwise, officers shall document the issuance of a warrant on a Continuation Report.

Arrest Warrant Retention

A supervisor may authorize retention of an arrest warrant within the Department for a maximum of five days if service by an officer is deemed beneficial to the case. When retained, the original warrant and one copy shall be kept. Copies of the warrant and the Suspect Identification Sheet shall be immediately forwarded to the OSPG.

OSPG does not enter warrant information into the computer until it receives the original warrant. Therefore, the supervisor shall consider that retaining the warrant will delay computer entry.

2. Sheriff's Arrest Report; Case Disposition

When OSPG makes an arrest on a warrant initiated by the Department, the Records Section receives a copy of the Arrest Report completed by OSPG. Records shall then forward a copy to the OIC of the originating component. The OIC shall ensure that the

investigating officer is notified and properly closes the case. Closing reports shall include the date of arrest, original case number, and complete suspect description.

3. Arrest Warrant Service

The OSPG has primary responsibility for serving arrest warrants. However, officers may attempt to serve warrants obtained by officers during PGPD investigations. They shall arrest persons wanted on other arrest warrants if contact is made during normal police duties.

Custody of persons arrested on a warrant shall be transferred to a regional processing facility for processing and presentment to a commissioner. In such cases, OSPG ensures that warrant information is removed from the computer.

Officers shall carry a copy of the warrant or confirm its existence before making an arrest. Confirmation may occur through a computer hit for local warrants, teletype, or contact with a District Court Commissioner who is in possession of the warrant. Officers may access the Central Warrant System 24 hours per day, through telephone contact with the OSPG dispatcher or by direct computer link where available.

For purposes of this section, juvenile writs of attachment are treated as arrest warrants.

4. Service of Warrants Obtained by PGPD

Before transferring a wanted person to the regional processing facility, the arresting officer shall determine whether a PGPD officer initially obtained the warrant. If so, the arresting officer shall transport the prisoner to a police facility and notify the obtaining officer's component.

Transfer of the prisoner to CID is mandatory if the obtaining officer was a member of CID. The obtaining officer's component shall accept custody in cases where the original warrant is physically held by that component. In other situations, custody may be transferred to the obtaining officer or his or her component at the discretion of that component's supervisor.

When CID or the obtaining officer's component accepts custody, the arresting officer shall complete an Incident Report. The component accepting custody becomes responsible for the prisoner.

If the warrant has already been transferred to the OSPG, the arresting officer shall complete the top portion of the Arrest Report and give the report to the regional processing facility intake officer. The regional processing facility intake officer will complete the Arrest Report, process the prisoner, and present them to a District Court Commissioner.

When an officer serves his or her own arrest warrant, the officer must give the defendant a copy of the statement of charges prior to transporting the defendant to the regional processing facility. The officer must sign the reverse of the warrant, indicating service of the warrant.

5. Warrants Held by Commissioner

When an officer arrests a person on a warrant that is still in the possession of a District Court Commissioner, the officer shall complete an Arrest Report.

6. New Charges on Wanted Persons

When an officer makes a warrantless arrest and later discovers that the prisoner is wanted on an unrelated warrant, the officer shall ensure that all processing for the original arrest, including presentment to a commissioner, is completed before custody is transferred to another agency for warrant service.

7. Warrant Service Within PGPD Primary Jurisdiction

Patrol officers who serve arrest warrants, shall document service on an Incident Report. A copy of the report shall be maintained in their case file. The documentation shall include:

- Officer's name and ID number
- Wanted person's name, race, sex, and date of birth
- Jurisdiction issuing warrant and warrant number
- Offense(s) charged on warrant
- Date, time, and address of service
- Disposition
- Name of persons contacted during warrant service
- Method of service; personally or other means

In cases when an investigator serves or attempts a PGPD initiated warrant, the investigator shall document their actions on a Continuation Report under the original CCN, rather than on a separate Incident Report. The investigator shall also make an entry on the Suspect Identification Sheet attached to the copy of the warrant.

When an officer serves an arrest warrant and an Arrest Report is prepared, the officer

shall note the following information in the narrative of the Arrest Report:

- ❑ Warrant number
- ❑ Warrant date
- ❑ Victim's name
- ❑ PGPD case number (if PGPD case/charges)

For warrant service attempts, officers will carry copies of the warrant, if available. The original warrant will remain in a file or be forwarded to the OSPG. Unsuccessful warrant service attempts shall be documented in the investigator's case file or the Suspect Identification Sheet.

If the warrant service is successful, this information will be placed on the Arrest Report (if the warrant is retained by the Department) or an Incident Report (if warrant has been sent to the OSPG).

When the arrestee is processed, the custody officer will serve the original warrant and destroy the copy.

When the attempt is made pursuant to a teletype or information provided by another public safety agency, the officer shall document this information on an Incident Report.

8. Warrant Service Outside Prince George's County

Investigators attempting warrant service outside Prince George's County shall request the assistance of the host jurisdiction before the attempt. They shall allow the host jurisdiction to make the actual arrest and comply with the host jurisdiction's instructions regarding their conduct at the scene and subsequent transfer of custody.

If the warrant stipulates that the arrested person shall be presented to a court commissioner in the county where arrested or if the arrest occurs in another state and extradition is required, the officer shall request that appropriate processing occur before presentment of the prisoner to court officials. This processing may be conducted by the officer or by the host jurisdiction. The investigator may request an opportunity to interview the arrested person at the host jurisdiction's discretion.

If the warrant stipulates that the arrestee be returned to Prince George's County and the officer subsequently transports the prisoner, processing shall be done following arrival in the County.

9. Fugitive Arrests on Out-of-County Warrants

A supervisor shall approve requests for warrant service assistance from officers of other jurisdictions. If granted, the supervisor shall respond to the scene and direct the apprehension. An arrest shall not be attempted prior to the supervisor's arrival unless circumstances require immediate action.

When officers from another jurisdiction operate as members of a PGPD-participating task force, they need not obtain approval from a PGPD supervisor prior to warrant service.

If the offense alleged on the warrant is for a crime investigated by CID, the officer shall notify CID of the impending warrant service attempt. CID is not required to respond, but may require that an apprehended fugitive be delivered to CID before release to the outside agency.

Unless the outside agency's officer has concurrent jurisdiction or is operating within a PGPD-participating task force, the officer shall not take an active role in the apprehension, except in an emergency. The supervisor shall ensure that the officer understands this requirement before attempting warrant service.

Except when prohibited elsewhere in this section, individuals arrested on warrants from other Maryland jurisdictions may be released directly to officers from those jurisdictions at the discretion of the supervisor. Otherwise, the fugitive shall be transferred to a regional processing facility within the County along with a copy of the warrant or a telex message indicating that the warrant is open.

The teletype shall also indicate whether the fugitive can be presented to a commissioner in Prince George's County or must be returned to the originating jurisdiction. If presentment is to be made in Prince George's County, it shall be made only by an officer from a regional processing facility.

Fugitives from other states have legal rights regarding extradition. Officers are prohibited from transferring custody of such fugitives to agents of any non-Maryland jurisdiction unless the warrant is federally issued and the agent is a federal officer. Prisoners shall not be transported to DOC, Upper Marlboro until a teletype verifying the warrant and that the prisoner will be extradited has been received by the PGPD teletype section. The teletype section shall fax a copy of the teletype confirmation from the originating agency to DOC, Upper Marlboro. Prisoners wanted on non-federal out-of-state warrants shall then be transferred to the Regional Processing Facility, Upper Marlboro

10. Warrant Service by EST or Tactical Units

Except in emergencies, officers preparing to serve a warrant shall seek guidance from the Commander, Special Tactical Teams in any situation when:

- ❑ Circumstances indicate that a barricade situation is likely to develop if warrant service is attempted
- ❑ Circumstances indicate that the suspect is likely to offer armed or potentially lethal resistance
- ❑ The suspect's mental condition is known to be unstable and potentially violent

If the Commander, Special Tactical Teams is unavailable, any SOD Command Officer may be consulted. If an on-duty SOD Command Officer is unavailable, the District/Division Commander shall determine whether an SOD Command Officer shall be contacted at home.

The decision to deploy EST or a tactical team is at the discretion of the SOD Command Officer. Factors to be considered in making that decision include, but are not limited to the:

- ❑ Nature of the offense named on the warrant
- ❑ Suspect's known propensity for deadly violence
- ❑ Experience, training, and capabilities of the requesting component
- ❑ Likelihood of a barricade occurring, the physical characteristics of the site and the degree of danger to which the nearby public might be exposed if a barricade situation developed and EST was not immediately present

If deployment is authorized, the SOD Command Officer shall give the requesting officer specific instructions regarding containment and surveillance pending EST's arrival. Those instructions shall not be deviated from except in emergency situations.

11. Warrant Service Matrix & Categories

The matrix at the end of this chapter describes the seven different categories of warrant service and the requirements for each category.

When completing an Incident Report, the officer shall identify the appropriate category in the TYPE OF INCIDENT block. When completing an Arrest Report, the officer shall include the category in the CHARGES block.

12. Raid Procedures

Raids shall not be done without the approval of the Commander of the Special Tactical Teams or in their absence, an SOD Command Officer, in addition to any approval necessary for a specific case. When a search and seizure warrant is to be executed by someone other than SOD, the involved supervisor shall:

- ❑ Contact a supervisor from SOD prior to attempting service of the search warrant
- ❑ Complete a Raid Information Sheet to be provided to the SOD supervisor before the raid

Requesting Raid Assistance

Units needing raid assistance shall contact the Commander of the Special Tactical Teams or in their absence, an SOD

Command Officer as far in advance of the proposed raid as possible.

It is the responsibility of the supervisor of the unit requesting assistance to determine the number of officers required for maintaining security of the scene.

Outside agencies requesting assistance to conduct a raid within the County shall be directed to contact SOD during normal business hours. PSC shall be contacted at other times. PSC shall then contact the Commander of the Special Tactical Teams or in his or her absence, an SOD Command Officer.

Supervisory Responsibilities

For any raid, one supervisor shall be appointed as OIC. The OIC is responsible and accountable for all planning, briefing, staffing, and the overall conduct of the raid. The OIC may delegate authority for specific assignment of personnel, vehicles, equipment, or other duties to a designee, if necessary.

It is impossible to enumerate all potential contingencies in a raid. Therefore, the OIC shall deal with changing variables as they arise. The OIC is accountable for the proper and professional coordination and execution of the raid plan.

Raid Briefings & Notifications

The OIC shall ensure that participating personnel are completely briefed regarding portions of the raid that fall within their individual scopes of responsibility. They shall receive a general briefing of the total raid. The OIC shall ensure that personnel receive a master list for raid locations, vehicles subject to impoundment, and persons subject to arrest. During the

briefing, all personnel shall be advised of locations or persons that may cause problems and the extent of the anticipated problem. Emphasis shall be placed on information regarding armed persons or hidden weapons.

Following the briefing, the EST or tactical supervisor shall be in charge of the operation until the premises are secured.

A PSC supervisor shall be notified of the location of all raids before execution and the number of police officers involved. If necessary, permission for exclusive use of a radio channel for the use of raid personnel shall be secured. If the raid location lies within a jurisdiction serviced by another police agency, a PSC supervisor shall notify that agency when the raid commences.

Maintaining Confidentiality of Raid Operations

No person shall divulge raid information to any other person before the execution of the raid unless that person is an officer of the raid team or a Bureau Chief has granted permission or the ranking officer involved in the raid.

Preparation of Raid Teams

The following raid components may be used to facilitate success of the raid, as necessary. A uniformed raid team will be assigned to all plainclothes tactical operations. Each component will remain in service until secured by the OIC. During mass raid situations, the appropriate number of officers shall be assigned as needed.

Undercover Teams: Shall consist of undercover officers and two investigators. They are responsible for locating and identifying “John Does” and other

individuals for whom warrants have been issued. Arrest team officers will make actual arrests unless the immediacy of the situation dictates otherwise.

Arrest Teams: Shall consist of uniformed officers only. They will serve warrants and apprehend individuals found by the Undercover Team. They shall complete Arrest Reports and transfer the arrestees to the transporting officers. When transporting officers are unavailable, Arrest Team officers shall transport arrestees to a processing site and release them to the Processing Team.

Security Teams: Shall maintain security of arrestees, keeping unauthorized personnel clear of the field processing area. Security Team officers shall assist other teams as assigned by the OIC.

Coordinator: Shall be in charge of all post-arrest activities in the absence of the OIC. The Coordinator is responsible for:

- ❑ The proper handling of arrestees
- ❑ Remaining at the field processing site
- ❑ Ensuring the maintenance of a professional decorum at the field processing site
- ❑ Documenting any situations that interfere with the orderly processing of arrestees
- ❑ Assigning officers involved in the post-arrest activities to duties as needed.

Transportation Units: Shall consist only of marked vehicles. Transportation Unit officers shall accept arrestees from Arrest Teams and transport them to the processing site. They shall patrol the raid area, remaining available to assist other components, as necessary.

Impound Teams: Responsible for impounding vehicles. They shall complete all impound reports.

Other officers will assist with confirming identities, obtain photographs for investigation purposes, and assist in making notifications for juvenile arrests. They shall also coordinate the release of juveniles, when appropriate.

Raid Execution

EST officers, or in their absence tactical squad personnel, shall be responsible for making forced entries into premises and securing occupants during all warrant service raids. Once the premises have been secured, the requesting personnel shall enter and assume control of the operation. No one shall be allowed to enter the dwelling with SOD personnel during the initial entry. All SOD team officers (entry and arrest teams) shall be in a uniform that readily identifies them as Prince George's County police officers.

When entry has been gained, specific officers shall be designated to ensure the security of arrestees. Search teams will search all arrestees first. Assigned officers will then transport arrestees safely and securely. If interrogated on scene, arrestees shall be advised of their rights.

SOD personnel operating specialized vehicles and equipment for raids cannot generally provide prisoner transportation.

When evidence is found, it will be photographed before removal and shall be removed by the appropriate personnel. All property shall be listed on the search warrant before being removed from the scene.

A copy of the search warrant shall be given to the property owner or lessee. If they are

not available, a copy shall be left in a conspicuous place within the premises.

The OIC shall reexamine the searched area to ensure no equipment is left behind. The area shall be secured by the best possible method.

The raid OIC will notify PSC before the entry and again when the operation has been concluded.

The OIC is responsible for all necessary notifications and the issuance of a proper and concise press release.

Post Raid Duties

Following completion of the raid, the supervisor shall ensure that the following are accomplished:

- ❑ All reports shall be checked
- ❑ All seized property shall be properly tagged and processed
- ❑ Equipment borrowed from other units shall be returned
- ❑ The case will be dictated and transcribed as soon as possible
- ❑ Suspected CDS shall be processed in accordance with **VOLUME II, CHAPTER 41. PROPERTY & EVIDENCE**
- ❑ Necessary reports will be expeditiously delivered to the OSA

The SOD supervisor shall:

- ❑ Submit a CIR, along with any other appropriate reports, to the Commander, SOD
- ❑ All equipment shall be checked for defects and repair needs

Periodic meetings will be conducted between SOD supervisors and the requesting

supervisors to evaluate the results of prior activities and discuss future assignments. Steps will be initiated to resolve any problem areas.

13. Screening Unserved Felony Warrants

An officer who obtains a felony warrant that is not immediately served, shall within 30 days, schedule an appointment with OSA to screen the warrant.

Upon receiving reliable information that the suspect is outside of the metropolitan area, the officer will immediately telephone the OSA to schedule a screening appointment.

When an unserved felony warrant has been screened and the OSA decides to present the case to the grand jury pending arrest of the suspect, officers need not re-screen the case upon arrest. However, they shall contact the OSA to provide additional information or evidence as developed.

14. Immediate Extradition Required

If the suspect is found outside the metropolitan area and the officer requires immediate authorization for extradition, the officer shall contact the OSA, Extradition and Detainer Coordinator. During non-business hours, the officer shall request assistance from the on-call Assistant State's Attorney via PSC.

15. Screening Dispositions, Defendant at Large

If an investigator has obtained a warrant, but the defendant remains at large, the investigator may screen the case with the OSA. The screening attorney will decide

whether the case will be presented to a Grand Jury or referred to District Court. The screening attorney will also advise the officer whether extradition will be authorized, and the type of extradition for the NCIC entry. The officer will contact OSPG to confirm the NCIC entry and request appropriate modifications.

If the screening attorney believes a case has insufficient evidence for grand jury presentment, they may refer it back to the officer for further investigation (RBF).

16. Documents Required at Screening

The officer shall give the screening attorney copies of the following:

- ❑ All incident, investigative, and accident reports pertaining to the defendant to include Arrest Records
- ❑ Statement of Charges, along with the Application for Statement of Charges or Statement of Probable Cause
- ❑ Any citations issued
- ❑ Copies of any warrants for search or electronic surveillance to include Consent to Search forms
- ❑ Criminal records (local, State and federal) and driver's license and registration printouts, if applicable
- ❑ Property Records and Chain of Custody Logs
- ❑ Advice of Rights and Waiver Forms and any statements made by the defendant
- ❑ All victim & witness statements
- ❑ Forensic laboratory reports/request forms
- ❑ Pertinent photos and photo spreads
- ❑ Names and ID numbers of all employees who had any involvement in the case

17. Request for Legal Assistance, Search Warrants or On-Scene Assistance

For assistance with the preparation of search warrants or when on-scene legal advice is required, an Assistant State's Attorney will be requested via PSC. The contact for homicides and police shootings is the Chief, Homicide Division, or the Chief, Narcotics Division of the OSA. The primary contact for other cases is the Chief, Criminal Trials Division.

VI. GOVERNING LEGISLATION & REFERENCE

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.1, 1.2.3, 1.2.4, 1.2.5, 41.2.8, 42.2.3, 42.2.7, 43.1.5, 46.2.1, 74.1.2, 74.3.1, 74.3.2, 82.2.1, 82.2.2, 82.3.8, 84.1.1

Governing Legislation:

Art. 26, Maryland Declaration of Rights

Constitutional provisions regarding search warrants apply only in cases where a search is conducted without the consent of the occupant of the premises. When permission to search is granted, either by the occupant or their agent, a search warrant is not necessary.

Stop & Frisk: *Terry v. Ohio*

When officers observe unusual conduct that leads them to reasonably conclude, in light of their experience, that criminal activity may be afoot and an individual may be armed and presently dangerous, officers

shall identify themselves and make inquiries of such individual.

If nothing in the inquiry dispels the reasonable fear for the safety of the officer and others, the officer may conduct a carefully limited search of the individual's outer clothing in an attempt to discover weapons. Such searches are reasonable and any evidence obtained is admissible.

Exigency & Mobility: *Carroll Doctrine, Chambers v. Maroney*

Warrantless vehicle searches are justified if there is probable cause that the vehicle contains contraband, and mobility is possible (exigency). Probable cause that justifies making an arrest is also generally sufficient for authorizing a search, given exigency (mobility). The search is justified by exigency, not as a search incident to an arrest. The Carroll Doctrine is not dependent upon a lawful arrest.

Search Incident to Arrest: *New York v. Belton*

A warrantless search of a vehicle's entire passenger compartment may be made to include containers in the compartment, as a search incident to an arrest, for protection of the officer, and to prevent the removal or destruction of evidence. Belton is based on a search incident to an arrest, and not on the Carroll Doctrine.

Inventory Search: *South Dakota v. Opperman*

Inventory searches of a vehicle are justified if they are:

- Pursuant to a lawful impoundment
- Routine and standard in practice

- ❑ Not a pretext concealing an investigatory police motive

Search of Vehicle Related to a Crime:

Barrow v. Maryland

A vehicle may be searched at the scene of a crime if probable cause exists that the vehicle is related to the crime and could contain evidence.

Limitations of an Arrest Search: *Chimel v. California*

The Supreme Court has rendered a decision limiting areas that may be legally searched by police when a search of premises is made incident to an arrest.

The decision does not limit searches by consent, searches made under the authority of a search warrant, or searches of vehicles. It relates to searches of areas under the control of the arrestee incidental to a legal arrest. Fruits of a crime, instrumentalities, contraband, or evidence connected with the crime may reasonably be expected to be located in the area where the arrest is made.

Court established guidelines:

- ❑ An arrested individual may be searched for weapons and evidence
- ❑ A search of the area in the immediate control of the arrestee may be conducted, and is defined as the area from which the arrestee might gain possession of a weapon or destroy evidence

Area Extended: *Scott v. Maryland*

The search area is extended to include areas where an arrestee might move to get to a weapon or evidence before an officer could restrain the arrestee.

Maryland Attorney General Opinion, Search of Premises Subsequent to Arrest

Officers in possession of an arrest warrant may enter a residence if there is probable cause that the accused is present; any area in which the accused could hide can be searched and the courts have not excluded evidence and contraband found during such a search.

Searches beyond Chimel require a search warrant; search warrants may be served along with arrest warrants.

When an arrest is made on a premise without an arrest warrant and the officer develops probable cause for a search warrant, the officer may remove the arrestee and post a guard until a search warrant is obtained; if a guard is inside a residence and someone entitled to legal possession of the premises demands the officer leave, the officer should leave.

Accused Located: *Honest v. Maryland*

Searches of premises for an accused by warrant are valid, but once the accused is found, the officer's right to search is ended.