

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this office. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

For procedures related to Warrant Services, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Warrant Verification](#)

607.2 POLICY

It is the policy of the St. Mary's County Sheriff's Office to balance the safety needs of the public, the safety of office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 EST COMMANDER

The CID Commander or designee shall review all Threat Assessment forms to determine the risk level. The CID Commander or designee will coordinate with the EST Commander or designee as needed based on the Threat Assessment or any other related factors.

The EST Commander or designee will have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, Threat Assessments/EST Assistance Requests, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before requesting the Criminal Investigative Division's assistance with a search warrant application. Once authorization is received, the deputy will contact the on-call CID supervisor for assistance with the search warrant processes. The process includes preparing the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed, and completing the Threat Assessment/EST Assistance Request form and submitting it through Blue Team, along with the warrant affidavit, to the appropriate supervisor and the EST Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

The Threat Assessment, EST Assistance Request, and any supporting documentation will be forwarded to the Assistant Sheriff/Sheriff for final approval.

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The on-call Vice/Narcotics Unit supervisor should be contacted for assistance when the search is related to a drug offense.

The Emergency Services Team should be notified at least two days prior to the operation, if practical for warrants that require their assistance.

607.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should contact their supervisor. A Threat Assessment/EST Assistance Request should be completed by the deputy, submitted through Blue Team, and the EST Commander or designee consulted if necessary. The Threat Assessment, EST Assistance Request, and any supporting documentation will be forwarded to the Assistant Sheriff/Sheriff for final approval.

If the warrant is classified as high risk, service will be coordinated by the EST Commander or designees. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution ([Md. Code CP § 1-203](#)).
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Information Policy).

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For procedures related to Warrant Preparation, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Search Warrant Application and Return](#)

607.6.1 WARRANT EXECUTION PROCEDURES

The EST Commander should establish procedures regarding execution of search warrants (e.g., appropriate approvals and training, time of service limitations, measures for participants to be identifiable and recognizable as uniformed deputies, use of body-worn cameras where required) ([Md. Code CP § 1-203](#)).

607.7 HIGH-RISK WARRANT SERVICE

The EST Commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the way the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and people present.
- (b) Body-worn cameras should be used by deputies executing the warrant ([Md. Code CP § 1-203](#)) (see the Portable Audio/Video Recorders Policy).
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.
- (j) Investigators do not enter to assume control of the operation until the premises have been secured.

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607.8 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used, and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The lead detective or designee shall complete the search warrant return. The supervisor shall ensure that all affidavits, warrants, receipts, and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The CID Commanders will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the CID Commander. The CID Commander or designee should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The CID Commander or designee should ensure the Threat Assessment/EST Assistance Request is completed, submitted through Blue Team, and that members of the St. Mary's County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of St. Mary's County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee.

If a St. Mary's County warrant is to be served outside St. Mary's County Sheriff's Office jurisdiction, the CID Commander or designee should ensure reasonable advance notice to the applicable

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agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the St. Mary's County Sheriff's Office when assisting outside agencies or serving a warrant outside St. Mary's County Sheriff's Office jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Training Coordinator should ensure deputies receive initial and periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.