

Policy 1104



Subject

ARREST WARRANTS

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By Order of the Police Commissioner

POLICY

Warrant Service. The purpose of this policy is to set forth standards and guidance for members of the Baltimore Police Department (BPD) to safely and uniformly serve and process arrest warrants in accordance with the 4th Amendment to the United States Constitution, Maryland Law, and the rules and regulations stated in this policy.

DEFINITION

Forced Entry — The non-consensual entry into a non-secured area or structure that may contain a hostile person or persons.

Probable Cause to Arrest — Where facts and circumstances taken as a whole, known to the member at the time of the arrest, would lead a reasonable member to believe that a particular person has committed or is committing a crime. Probable Cause is based upon an objective assessment of the facts and circumstances presented to the member.

GENERAL

Valid Warrants

A warrant is valid only if all of the following conditions are met:

1. The warrant is from a court specified below or other appropriate court (e.g., any District or Circuit Court from Baltimore City or an outside jurisdiction).
2. The warrant specifies the name of the person whose arrest is ordered, if known. If unknown, the warrant specifies a reasonably definitive description of the person. This includes a specific description of multiple physical characteristics that a reasonable person could use to identify the person.
3. The warrant states that the person to be arrested is accused of one or more offenses against the laws of the State of Maryland or other jurisdiction, and names the violations(s).
4. The warrant is signed by a magistrate, judge, or authorized designee and their office is named in the body of the warrant or by their signature.

DIRECTIVES**Application for Arrest Warrants****Member**

When applying for an arrest warrant, members shall:

1. Ensure all applications for arrest warrants are based on Probable Cause that a person has committed or is committing a crime.
2. Notify their first-line supervisor of their actions and the elements of the case prior to seeking the arrest warrant.
3. Understand that the affiant member shall bear full responsibility for the content of the application for the arrest warrant.
4. Submit all applications for arrest warrants to a Court Commissioner at one of the following locations:
 - 4.1. The Court Commissioner's Office, located at 500 N. Calvert Street, 24 hours a day.
 - 4.2. The John R. Hargrove, Sr. Building, located at 700 E. Patapsco Avenue. Availability of a Court Commissioner must be verified prior to responding to this location.
 - 4.3. The Eastside Court Facility, located at 1400 E. North Ave. Hours of operation are 0830 hours to 1630 hours, Monday through Friday.
5. See Policy 1106, *Warrantless Arrest Procedure and Probable Cause Standard*, for further guidance on Probable Cause standard.

Supervisor

Supervisors shall:

1. Ensure their members follow the procedures outlined above.
2. Ensure members' applications for arrest warrants include sufficient evidence to show Probable Cause to Arrest for violations, contain all pertinent elements of the crime(s), and are the result of a thorough investigation.

Service of Arrest Warrants**Member**

1. Members may serve a felony or misdemeanor warrant at any time, and may only go to a residence to serve a traffic warrant between the hours of 0600 hours and 2000 hours, unless approved by a permanent-rank supervisor to serve it at another time.
2. Before attempting to serve an arrest warrant, the member must activate their BWC and keep it activated throughout the duration of the encounter. See Policy 824, *Body-Worn Camera*.

3. Confirm the validity of a warrant through the Communications Unit or Court Commissioner prior to taking action. (See "Role of Hot Desk" on page 6 for procedures)
 - 3.1. The Communications Unit will check both the National Crime Information Center (NCIC) and the Maryland Inter-agency Law Enforcement System (MILES) for possible warrants. If the system reflects that a warrant has been issued for the person in question, the dispatcher will either advise the member to contact the Central Records Section (Hot Desk) to confirm that the warrant is available for pick-up prior to the detainee's arrest or provide the member with an out-of-jurisdiction telephone number so the out-of-jurisdiction warrant can be confirmed. No arrest shall be made on a warrant until the validity of the warrant has been confirmed.
 - 3.2. Members are not required to have the warrant in their possession when making an arrest.
 4. Ensure that the suspect is the person for whom the warrant was issued, which may be achieved through an identification check, check against a photograph, fingerprint verification, etc.
 5. Ensure all arrest warrants are executed as soon as practicable.
 6. Make every effort to ensure the time and place of warrant service accounts for the safety of the suspect, the member, and the public.
 7. To the extent practical, allow suspects and involved bystanders or members of the public to dress or cover themselves for modesty, religious purposes (such as head scarfs), or for winter weather. Do not search, arrest or detain suspects who are nude or partially-nude. Allow suspects to put on shoes or a winter coat if they are readily available. The member is responsible for affording basic dignity wherever possible.
- NOTE:** Prior to the person dressing or covering themselves, members shall make reasonable efforts to ensure weapons are not obtained.
8. Ensure sufficient members are on-scene when warrant service is requested, based upon factors such as: known criminal history, age, physicality of the person, potential presence of weapons, the presence of friends or family members.
 9. When making an arrest, notify the person of the existence of the warrant and the type of offense(s) charged.
 10. Upon making an arrest, the member shall conduct a search incident to arrest for weapons that pose a danger to the person or others in their presence.
 - 10.1 A search incident to arrest shall include a weapons pat-down and search of the person's pockets. It may also include a search of any articles of property found on the person and the minor manipulation of clothing that does not expose a person's groin/genital area, buttocks, female breasts, or more than the waistband or upper portions of the undergarments. The search also includes the area in the person's immediate control. (See Policy 1109, *Warrantless Searches*).
 - 10.2. Once the person has been removed from the area and has been rendered incapable of gaining immediate control of items in that area, the search of that area shall end.

11. Serve a copy of the warrant and charging document on the person promptly after the arrest.
12. Unless the person is injured or requires medical attention, including if the person requests medical attention, transport the person to Central Booking and Intake Facility (CBIF). At CBIF, the person must be taken before a judicial officer of the District Court without unnecessary delay no later than 24 hours after arrest (See Policy 1114, *Persons in Police Custody*).
13. If the warrant so specifies, transport the person before a judicial officer of the Circuit Court without unnecessary delay and no later than the next session of the Court after the date of arrest.
14. If a member executes an arrest warrant for felony charges, the member must consult with the primary investigator prior to transporting the person from the scene to discuss evidence preservation and other steps that may be required for the investigation.

Execution of Arrest Warrants at Primary Residences

1. Members have authority to enter, search for, and arrest subjects inside of their primary residence. The member may do so if they have reliable information that the person lives in **and** is inside of the residence. As such, members shall not enter a home in search of a person based on a person's mailing address without possessing reliable information that the person is inside the residence.
2. The member must be able to articulate specific facts that indicate to them that a particular residence is where a person lives and that the person is inside that home.

NOTE: Some specific facts that may be considered before deciding to enter the home may include, but are not limited to, hearing the suspect's voice, seeing the suspect through the window, seeing the suspect entering the home, the suspect's car is outside the house, and/or a family member or friend tells the BPD member that the person is inside the residence.

3. Members should take steps to minimize the trauma to children and bystanders in the residence and minimize any escalation. In addition, refer to procedures outlined in Policy 1204, *Safeguarding Children of Arrested Parents*, which include whenever reasonable to make the arrest in a location away from the child's sight and hearing as well as not leaving the scene until the child is in the care of a caregiver.

Execution of Arrest Warrants at Third Party Locations

1. Prior to entering the residence of a third party (e.g., not the subject of the arrest), members must obtain a search warrant to enter that residence in addition to having an arrest warrant for the person and Probable Cause to believe the person is at the third party's residence.
2. Members may execute an arrest warrant in the private areas of a home of a third party without a search warrant only when:
 - 2.1. Exigent circumstances exist (e.g., the member has reasonable articulable grounds to believe a warrantless entry is necessary to prevent the subject from escaping, destroying evidence, or further committing a crime); or

- 2.2. The third party has consented to members entering the private areas for purposes of executing the warrant. To be considered consent, the third party must freely and voluntarily agree to the search, without any degree of coercion, intimidation, compelling or promised rewards. (See Policy 1109, *Warrantless Searches*).

Forced Entry

1. Forced Entry into a property may be necessary to arrest the wanted person. Members shall use the least amount of force that will accomplish an entrance without jeopardizing the safety of the entry team.
2. Prior to Forcing Entry, members shall:
 - 2.1. Determine whether it is possible to make a plan prior to entry, to include accounting for the possibility of a ruse to draw the suspect out of the residence in order to reduce the risk of property destruction or harm to persons, the possibility the children will be present, the possibility that animals will be present, etc., and plan for those circumstances.
 - 2.2. If a member determines that Forced Entry is necessary, notify the Communications Unit if additional units are needed to safely and effectively conduct the Forced Entry.
 - 2.3. Request a permanent-ranked supervisor respond to the scene.
 - 2.4. Ensure a perimeter is established to maintain proper visual surveillance of the target location.
 - 2.5. Obtain all necessary equipment before going to the scene.
 - 2.6. Knock forcefully on the door at least two times and in a loud voice, identify themselves as Baltimore Police Officers. State that they have a warrant and demand the door to be opened.
 - 2.6.1. If a response is heard, the members must identify themselves again as police officers, state that they have a warrant and demand the door to be opened. If the occupant refuses to open the door after a reasonable amount of time an occupant would take to access the door, based on the size of the location, the members may use force to gain entry. Announce loudly for any inhabitants to stand back from the door and that force is about to be employed. Members shall use the least amount of force that will accomplish an entrance without jeopardizing the safety of the entry team.
 - 2.6.2. If the members hear no response after the initial demand for entry after a reasonable amount of time an occupant would take to access the door, based on the size and the location, the members may use force to gain entry. Announce loudly for any inhabitants to stand back from the door and that force is about to be employed. Members shall use the least amount of force that will accomplish an entrance without jeopardizing the safety of the entry team.

EXCEPTION: Exigent circumstances, such as a hot pursuit, may evolve rapidly, at which time a Forced Entry may be justified without the ability to complete the above directives.

3. Members shall remain respectful of the property being entered, minimizing disarray, disruption, or property damage.
4. Typically, the execution of a warrant at a residence or third party location requires the member to knock and announce prior to entering the premises. "No-Knock" entry requires particularized exigent circumstances that knocking and announcing their presence under the particular circumstances would be dangerous. The exigent circumstances for allowing No-Knock entry are:
 - 4.1. Threat of violence or harm to members,
 - 4.2. Probability of harm to occupants,
 - 4.3. Escape of the person to be arrested, or
 - 4.4. Destruction of evidence.
5. The member shall also take photographs or video to document any damage to the area where entry was forced.

Searching the Location

Authorization for an arrest does not, on its own, authorize a search of the location. Once the members have gained entry into the residence, they will conduct a thorough search for the person, limited to the areas a person could hide, and solely for the purpose of locating the person. If the suspect is arrested, the members may search the area of immediate control of the suspect for weapons or evidence. Members are also allowed to conduct a protective sweep of the residence. A "protective sweep" is a limited search that police are allowed to conduct when they arrest someone. The purpose of a protective sweep is to allow members to ensure their own safety, and that of those on the scene, by searching in the vicinity of the arrest. The search is for people who may pose a threat.

Documentation

Member

1. The member who executed the warrant will prepare and maintain a case folder including, but not limited to:
 - 1.1. A copy of the arrest warrant,
 - 1.2. Any photographs or video taken, and
 - 1.3. Inventory of any property seized from the person, from their wingspan, or items in plain view.
2. The member who executed the warrant will complete an Incident Report, Form 8, including, but not limited to:
 - 2.1. The warrant number and the full name of the person on the first line of the narrative,
 - 2.2. Date and time of the service of the warrant,

- 2.3. Attempts to gain entry by knocking,
 - 2.4. The name of the member who knocked on the door,
 - 2.5. If entry was forced, the reasons for Forced Entry, time of Forced Entry, the points of Forced Entry and areas searched with interior descriptions,
 - 2.6. Where the person was found, and the name of the member who located the person,
 - 2.7. The number of photographs taken or video filmed,
 - 2.8. Identity of the members involved in the service of the warrant.
3. See Policy 1114, *Persons in Police Custody*, for guidance if transporting the person.

Role of Hot Desk

1. The Hot Desk Supervisor will ensure every effort is made to locate the original warrant or a true test copy.
2. If neither the warrant nor the true test copy can be obtained within 24-hours of the time the person was taken into custody, release of the person will be facilitated by CBIF pursuant to Maryland Rule 4-212. The arresting member must then write a Supplemental Report on the original complaint number and document the actions and release without a true test copy of the warrant.
3. The Hot Desk Supervisor will notify the Warrant Apprehension Task Force (WATF) Commander or Supervisor when a warrant is issued or served in Baltimore City charging a person with:
 - 3.1. Murder,
 - 3.2. Attempted Murder,
 - 3.3. Assault First Degree (involving serious bodily injury),
 - 3.4. Arson,
 - 3.5. Robbery,
 - 3.6. Rape,
 - 3.7. Felony Sex Offense,
 - 3.8. Child Abuse or Sexual Abuse, and
 - 3.9. Juvenile Escape
4. Upon receipt of a directive from the WATF Supervisor or Commander, the Hot Desk Supervisor shall ensure that felony warrants are not sent to other jurisdictions. This will prevent out-of-jurisdiction officers from attempting warrant service which could compromise on-going investigations.

5. When, on a warrant check, a member receives positive confirmation of the existence of a valid out-of-state warrant, the Hot Desk will send a hit confirmation to the jurisdiction that issued the warrant to identify if the issuing jurisdiction will extradite the person.

Assisting a Foreign Jurisdiction in Baltimore City

Member

1. Review the arrest warrant and any other information provided by the member of the foreign jurisdiction. A warrant for the arrest of a wanted person will be honored if it is received from a law enforcement agency, correctional agency, or other public authority with powers of prosecution and extradition.
2. Serve any out-of-jurisdiction warrant following the procedure used for any Baltimore City warrant, ensuring the warrant contains the following information prior to service:
 - 2.1. Warrant number, date of issue, issuing authority, and issuing agency,
 - 2.2. Charges,
 - 2.3. Person's full name,
 - 2.4. Person's date of birth,
 - 2.5. Person's physical description,
 - 2.6. Date, time, and name of the member authorizing the warrant,
 - 2.7. The issuing court's address,
 - 2.8. Recommended bond, if any, and
 - 2.9. The county and the state where the warrant was issued.
3. Members may attempt warrant service on a person based on reliable, specific information received from another law enforcement agency, provided the warrant service is in accordance with the provisions of this policy. BPD members shall decline to enter the residence of the wanted person, or assist the out-of-jurisdiction agency unless the BPD member is convinced that the entry is authorized under this policy.
4. If necessary, arrange for transportation of any arrestee to the appropriate booking facility.
5. Complete an Incident Report to include:
 - 5.1. Name, rank and assignment of all involved foreign agency and BPD personnel,
 - 5.2. Type of arrest warrant,
 - 5.3. Warrant number,
 - 5.4. Name and address of the person listed on the warrant,

- 5.5. Any injuries to the person, and
- 5.6. If Forced Entry or any other unusual events occurred.

Maryland Parole Commission Retake Warrants

Parole violators arrested on a Maryland Parole Commission retake warrant who are not the subject of other warrants or charges are to be transported directly to the Maryland Reception Diagnostic and Classification Center located at 550 E. Madison St.

Federal Flight Warrants

WATF shall contact the United States Marshalls Service for apprehension assistance for wanted persons who have left the state of Maryland.

RESCISSION

Remove and destroy/recycle Policy 1104, *Arrest Warrants*, dated 1 July 2016.

ASSOCIATED POLICIES

Policy 824, *Body-Worn Camera.*
Policy 1106, *Warrantless Arrest Procedure and Probable Cause Standard*
Policy 1109, *Warrantless Searches*
Policy 1114, *Persons in Police Custody*
Policy 1204, *Safeguarding Children of Arrested Parents*

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.