PISCATAQUIS COUNTY SHERIFF'S OFFICE

EXECUTION OF SEARCH WARRANTS

Number: 23

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Division: Law Enforcement

I. PURPOSE

This policy establishes procedures for obtaining and executing search warrants of buildings, residences and premises. It is intended to facilitate a coordinated and efficient system for obtaining and executing search warrants and to ensure that all searches are conducted within legal parameters. This policy is not intended to describe or establish legal requirements concerning search warrants. Those matters should be discussed with and handled by the District Attorney.

PCSO recognizes not all search warrants fall into the category of entry into premises, buildings or residences. A search warrant may be obtained for an impounded vehicle, records, digital devices already in law enforcement custody, etc. Ordinary law enforcement investigative procedures will be followed in such cases.

II. POLICY

It is the policy of the Piscataquis County Sheriff's Office [PCSO] to provide techniques to accomplish a thorough and legal search, respect the constitutional rights of the person(s) upon whom the warrant is being served, minimize the level of intrusion experienced by those who are having their premises searched, provide for the safety for all persons concerned, and establish a record of the warrant execution process. PCSO prohibits the execution of an unannounced search warrant unless a valid exemption applies.

III. DEFINITIONS

Primary Officer: The officer primarily responsible for the investigation and the preparation, planning, and implementation of the search warrant.

Search Site: The premises to be searched, as explicitly stated in the search warrant.

Search Personnel: Law enforcement officers and supporting personnel taking part in the execution of a search warrant.

Evidence Collector: Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.

Tactical Coordinator: The deputy/officer responsible for planning and supervising tactical operations, including dynamic entry and other tasks requiring special weapons and tactically trained officers.

Unannounced ("no-knock") Search Warrant: A warrant that authorizes the execution of the warrant without first announcing the authority for the execution of the warrant and the purpose for which the warrant was issued. Any warrant is "unannounced" if executed without waiting for at least 20 seconds after the announcement of authority and purpose before making entry.

Protective Sweep: Quick and limited search of premises incident to an arrest or execution of a warrant to identify weapons or other dangers to deputies or others. Deputies must articulate a reasonable basis for conducting a protective sweep.

IV. PROCEDURES

A. Probable Cause

Any deputy wishing to obtain a search warrant shall discuss, verbally or by written report, with the deputy's immediate supervisor the facts and information that the deputy believes establishes probable cause for such a warrant. Before applying for a search warrant, the immediate supervisor and/or a superior officer must approve the application.

B. Obtaining the Warrant

The primary deputy is responsible for obtaining a search warrant from a magistrate authorized to issue one.

C. Unannounced (No-Knock Warrants)

1.The prohibition against the execution of an unannounced search warrant does not apply if:

a. The warrant clearly states that providing notice or purpose before the execution of the warrant would create an imminent risk of death or bodily harm to a law enforcement officer, an individual in the location named in the warrant, or an individual in the surrounding area(s) of the location named in the warrant, or

b. A recognized exception to the requirement for a search warrant exists, including, but not limited to, exigent circumstances.

2. The existence of an imminent risk of death or bodily harm under the exception of the prohibition against an unannounced search warrant must be reviewed and verified by the warrant's issuing magistrate.

3. A law enforcement officer certified under 25 M.R.S. § 2804-C shall be responsible for the direction, oversight, and control of the execution of an unannounced search warrant.

4. Body-worn cameras will be used, if available.

D. Execution of Search Warrants

1. The primary officer shall advise and receive approval from the officer's supervisor before serving the warrant.

2. The officers selected to execute the warrant shall be selected based on their prior training and experience in conducting warrant executions consistent with the demands of the warrant execution in question.
3. The primary deputy shall ensure the complete preparation for executing the warrant in accordance with its nature and complexity and in consultation with the appropriate prosecuting attorney, if necessary. These tasks include, but are not limited to, the following:

a. Gather intelligence on the target site to include the structure, the immediate area surrounding the structure, and the surrounding neighborhood. Verify the target site address with the location to be searched as listed in the search warrant.
b. Assess the capabilities and backgrounds of suspects, including criminal records, history of weapons usage, and potential for violence.
c. Determine the best time for warrant execution.
d. Ensure the search warrant is thoroughly reviewed for accuracy, legal integrity, and completeness.

4. The primary officer and tactical coordinator, where required, must work cooperatively to ensure proper preparation, planning, and execution of the warrant. They shall detail procedures for executing the warrant to all team members in a warrant execution briefing. The briefing shall be conducted by both the primary officer and tactical coordinator and will include, but not necessarily be limited to, the following:
a. The specific items subject to the search are as defined in the warrant, as well as any available information on their location.
b. Information concerning the structure to be searched and surroundings, including floor plans where available, mockups, photos, and diagrams of the location identifying entrances, exits, obstructions, fortifications, garages, outlying buildings, suspect vehicles, and all other points of concern.
c. Suspects and other occupants who may be present at the location, incorporating photos whenever possible, with emphasis on suspect threat potential and the presence of children, the elderly, or others who may not be involved with suspects.
d. A complete review of the tactical plan, including the staging area, route of approach, individual assignments for entry, search, management of evidence, custody and handling of seized vehicles, custody of prisoners, and post-execution duties such as securing the location and conducting surveillance on the site for additional suspects.
e. Personnel, resources, or armament necessary for gaining entry, and ensuring the safety and security of officers searching.
f. If the operation is a joint agency task force operation, all officers participating in the warrant execution shall be present and identified as members of the warrant execution team.
g. Contingency plans for encountering hazardous materials, canines, booby traps, fortifications, or related hazards; measures to take in case of injury or accident, to include the nearest location of trauma or emergency care facilities.
h. Procedures for exiting the location under emergency conditions.
i. Deconfliction – At least two hours before the execution of the warrant, it is recommended that agencies in concurrent or contiguous jurisdictions be notified of the anticipated warrant execution so that it does not unknowingly target or conflict with other officers, compromise another operation, or set up potential “blue-on-blue” situations.

j. The entry team shall include uniformed officers who shall be conspicuously present when the warrant is executed. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive jacket or some other conspicuous indicator of office.

E. Entry Procedures

1. If an advance surveillance team is at the search site, radio contact shall be made to ensure that the warrant can be executed according to plan.
2. The search personnel shall position themselves in accordance with the execution plan.
3. When an imminent risk of death or bodily harm exists, only officers trained in the use of stun grenades, stun, distraction, or other similar devices may use such a device during the execution of a search warrant.
4. Notification

    a. When feasible, consider using cruiser blue lights for initial arriving cruisers at the search location. A clearly identifiable police officer shall knock and notify persons inside the search site, in a voice loud enough to be heard inside the premises, that he/she is a police officer and has a warrant to search the premises, and that he/she demands entry to the premises at once.

    b. Following the knock and announcement, officers shall delay entry for at least 20 seconds to provide a reasonable opportunity for an occupant to respond. If no response is received after 20 seconds, the entry team shall make the entry. However, entry may be made sooner if there is an imminent and articulable, legally justifiable reason. For example, if an officer observes or hears an occupant arming themselves, and waiting the full 20 seconds would jeopardize the safety of officers making entry, immediate action may be warranted. If there is no response by an occupant after 20 seconds, the entry team may make an entry

    c. The supervisory officer shall ensure that a protective sweep of the site is performed immediately.

    d. Upon entry, the occupant shall be given a copy of the search warrant.

F. Search Procedures

1. After the site has been secured, a photographic and/or video recording of the premises shall be made before searching. Search personnel shall then follow the plan that details the likely locations of the items to be seized and the search order.
2. Places that may reasonably contain the items specified in the warrant may be searched, and other items in plain view that are immediately recognized as evidence or contraband may be seized.
3. An Evidence Collector designated in the plan shall coordinate the collection, preservation, and documentation of all items seized until possession is transferred to the evidence custodian, laboratory, or other authority.
4. Officers must exercise reasonable care in executing the warrant to minimize property damage.
5. If damage occurs during an entry to premises that will be left vacant and may leave the premises vulnerable to security problems, arrangements shall be made to guard the premises until properly secured.
6. If damage occurs, justification for actions that caused the damage and a detailed description of the nature and extent of the damage shall be documented. Photographs of the damage should be taken where possible.

7. If items are taken from the search site, an itemized inventory shall be provided to the resident/occupant or, in the absence of the same, left in a conspicuous location at the site.
8. Upon the conclusion of the warrant execution, the primary officer and tactical coordinator shall conduct a debriefing of all participating officers promptly.
9. The primary officer shall thereafter prepare and submit an after-action report on the warrant execution, results of actions taken, and recommendations for further investigative actions.

G. Return of Warrant
After execution of the search warrant, the original warrant and affidavit shall be delivered to the Clerk of Courts. Those documents, including any inventory list, shall be completed appropriately. These documents are returnable to the court immediately following execution, whether or not items were seized in the search. Search warrants must be executed and returned within fourteen (14) calendar days of issuance.

Sheriff Robert Young

Piscataquis County Sheriff's Office

WARRANT SERVICE RISK ASSESSMENT

Risk assessment is based on facts and circumstances stated in the affidavit for the warrant, criminal history on suspects and targeted location, the details learned during the target scout, and intelligence gained from information gathered during the investigation.

Place an "X" in the relevant blocks and then place the relevant points in the "Score" column and total the points.

Score:

1-15 Points	**Service of warrant can be handled by unit supervisor**
16-25 Points	**Consultation with Tactical Team Supervisor or designee required**
26+ Points	**Tactical Team to handle warrant service**

Elements	Points	X	Score
Search warrant is for evidence of property crimes only.	1		
Search warrant is for evidence of drug violations.	2		
Search warrant is for evidence of misdemeanor crimes against persons.	2		
Search warrant is for drug violations suspect(s).	4		
Search warrant is for suspect of felony crimes of violence.	5		
Arrest warrant is for crimes of violence.	5		
Arrest warrant is for property crimes.	1		
Execution requires no forcible entry.	1		
Execution requires use of breaching tools.	4		
Execution requires dynamic entry or breach and hold	6		
Target location has dog(s) for protection.	3		
Target location is heavily fortified and/or booby trapped.	15		
Target location contains unidentified person(s) engaging in felony conduct	5		
Target location contains multiple suspects	3		
Target location has video surveillance	3		
Suspect(s) have history of only property crimes.	1		
Suspect(s) have drug history.	1		
Suspect(s) have history of misdemeanor crimes against persons.	2		
Suspect(s) have history of drug trafficking.	3		
Suspect(s) have made statements indicative of resistance to service.	4		
Suspect(s) have history of felony crimes of violence.	5		
Suspect(s) have history of crimes of violence against police officers.	5		
Suspect(s) have used firearms in the commission of crimes.	8		
Suspect(s) have prior military training	2		
Firearms are present at the target location.	3		
Suspect(s) known to carry or display firearms.	5		
Suspect(s) known to carry or display automatic firearms.	15		
Warrant is "knock and announce."	1		
Warrant is "no knock."	3		
TOTAL			

Investigating Officer: _____ Date: _____

Supervisor: _____ Date: _____