

BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 13-17 SECTION H-3

SEARCH AND SEIZURE WARRANTS Revisions Approved: September 27, 2022

This General Order contains the following numbered sections:

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- VIII. Supervision
- IX. Search and Seizure Warrant Tracking
- X. Wellness Checks
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I. DIRECTIVE

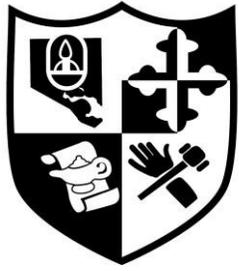
Baltimore City School Police Force (“BCSPF”) officers will observe all Constitutional and statutory provisions when obtaining, executing, and/or returning search and seizure warrants. Searches and seizures will be conducted by sworn law enforcement officers in a professional manner in accordance with the provisions of the law and this General Order.

II. PURPOSE

The purpose of this General Order is to provide departmental personnel with specific guidelines and procedures related to the obtaining, execution, and returning of search and seizure warrants and to ensure that all searches and seizures are conducted only with proper authority and justification, with due recognition and deference for the human dignity of those being searched, and in accordance with the U.S. Constitution, all other applicable legal standards, and the core principles of equity set forth in Baltimore City Board of School Commissioners (“Board”) Policy ADA.

III. DEFINITION

A **search and seizure warrant** is a legal document signed by a judge that authorizes officers to whom the document is addressed, to search a house, building, structure, vehicle, area, container,



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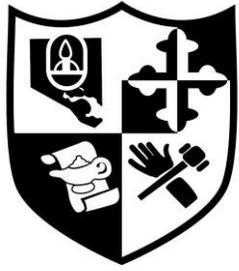
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or any place or thing therein specified for a person, stolen property, contraband, evidence of a crime, or illicit property and to seize any item specified in the warrant if found during the search.

IV. GENERAL

- A. The Fourth Amendment to the United States Constitution protects people from unreasonable searches and seizures by the government. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- B. Administrative Searches and Seizures by School Personnel.
 1. Under Maryland Ann. Code, Education Article, § 7-308, Board Policy JIH, and Administrative Regulation JIH-RA, a principal, assistant principal, or school access monitor may make a reasonable search of a student on school premises, or on a school-sponsored trip, if that individual has a reasonable basis, at the inception of the search, to believe that the student is in current possession of an item or items, the possession of which is a violation of the City Schools Student Code of Conduct, any Board policy or rule, City Schools regulation, or law, or a criminal offense under the laws of Maryland.
 2. An authorized searcher may also be a teacher on a school-sponsored trip who has been so designated in writing by the principal/designee and who has been trained in conducting searches consistent with Board Policy JIH.
 3. **BCSPF officers and other law enforcement officers are not considered authorized searchers for purposes of these administrative searches, and their searches must comply with the provisions of this General Order, the memorandum of understanding between BCSPF and the Baltimore City Police Department, and all applicable laws.**
 4. Any administrative search by an authorized searcher should be made in the presence of a third party. The third party must be a City Schools employee or an operator of a charter or contract school. The third party cannot be a City Schools School Police officer or other law enforcement officer.
 5. The principal, assistant principal or school access monitor may also search the physical plant of a school and its furnishings and equipment, including the lockers of



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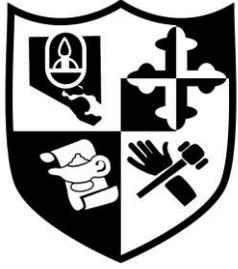
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the students. However, student possessions within a locker or storage cubicle (e.g. backpacks, coats, purses, etc.) may only be searched subject to a reasonable belief of a violation of the Student Code of Conduct, any Board policy or rule, City Schools regulation, or law, or a criminal offense under the laws of Maryland. If a student's possessions within a locker or storage cubicle are searched, a third party that is a City Schools employee or an operator of a charter or contract school must be present. The right of the school official to search the locker shall be announced in the Student Code of Conduct.

V. **PROCEDURE TO OBTAIN A SEARCH AND SEIZURE WARRANT**

- A. The application for, and execution of search and seizure warrants is governed by Maryland Criminal Procedure Title I § 1-203 and Maryland Rule 4-601.
- B. A BCSPF officer, as part of their investigative duties, may apply for a search and seizure warrant that is based upon probable cause as articulated by the officer in the application for the warrant.
- C. All search and seizure warrants must be reviewed and approved by a supervisor before being presented for judicial review and issuance. A supervisor, as well as an Assistant State's Attorney, can provide assistance and guidance in assessing needed probable cause for the warrant.
- D. Officers can be held strictly and personally accountable by a court of law for the content of their application, affidavit and warrant; and thus, officers are encouraged to rely upon articulable facts in their warrant applications.
- E. Officers may **not** request a "no-knock" entry in the application for a search warrant.
- F. Whenever a search and seizure warrant becomes necessary in an officer's investigation, and there is sufficient probable cause, the officer may apply for the warrant from a judge of the Circuit Court of Baltimore City or the District Court of Maryland. Only a District Court Judge can issue an out of jurisdiction search and seizure warrant.
- G. The process for obtaining a search and seizure warrant by an officer is:



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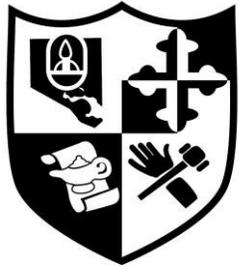
1. **Complete the following:**
 - a. Affidavit
 - b. Application for search and seizure warrant form
 - c. Search and seizure warrant form
 - d. Ensure the reviewing judge signs the “Unannounced Entry Authorization” box if the request is granted.
2. **Contact** available Circuit or District Court judge (day-time) and submit above for review and signature, or Central District Court Commissioner, who will contact the on-duty judge for review and signature.
3. **Distribute or retain documents as follows:**
 - a. **Search and Seizure Warrant** copies:

1 st	Issuing judge
2 nd	Defendant or Owner (Unsigned copies)
3 rd	Case folder
4 th	State’s Attorney
5 th	Applicant (Officer)
 - b. **Application** copies: same as above.
 - c. **Affidavit** copies: same as above, unless sealing order is issued.
 - d. **Sealing Order** copies: same as above (if issued by the judge).
4. Disclosure of information pertaining to a search and seizure warrant, prior to the execution of the warrant (except as is necessary for the execution of the warrant), may lead to criminal contempt proceedings.

VI. EXECUTION OF A SEARCH AND SEIZURE WARRANT

A. **Prior to executing the search and seizure warrant, officers should:**

1. Conduct a risk assessment as to officer safety utilizing the Baltimore Police Department (“BPD”) Risk Assessment Form #318 (Annex B)



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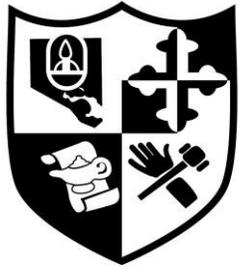
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- a. If the risk level is high as to officer entry team safety, contact the BPD SWAT Commander for SWAT assistance in executing the search warrant.
 - b. If the risk level is medium also contact BPD SWAT Commander for guidance in executing the search warrant.
2. The officer who obtained the search and seizure warrant should notify the Maryland Coordination and Analysis Center (“MCAC”) at 1-800-492-TIPS (8477) or mdwatch@mcac.maryland.gov to initiate the deconfliction process and receive an event tracking number. The officer must provide the information that is requested by MCAC to complete the intake form. Members are reminded that this notification process is designed to promote officer safety through identifying locations where potential operational conflicts exist. Officers are to take reasonable measures to ensure the names of contact persons are documented.

EXCEPTION: Deconfliction is not required for the execution of a search and seizure warrant for the collection of forensic evidence only (e.g., blood, DNA, electronic signatures and/or files, etc.) unless a dynamic entry is needed to obtain the evidence.
 3. Obtain a Search Warrant Tracking Form and complete the section(s) indicated. Submit this form to records after execution.
 4. Provide your supervisor with the search and seizure warrant for review and pre-raid preparation.
 5. Obtain all necessary equipment.
 6. Identify the raid target site.
 7. If appropriate, conduct a pre-raid surveillance of at least one square block around the target site. Special attention should be made to locate unmarked vehicles and plainclothes officers who may be at the target site or in the immediate area.
 8. Do not execute a search and seizure warrant when undercover officer(s) are present within the premises (unless this specified in the raid plan).
 9. Validate the address of the target location is the same address identified in the search and seizure warrant.

B. When executing the search and seizure warrant, officers must:

1. Take reasonable measures to ensure the address on the warrant is the same as that of the location to be searched. Officers should not execute the search and seizure warrant if there is a known discrepancy as to the address identified on the warrant. Any issue(s)



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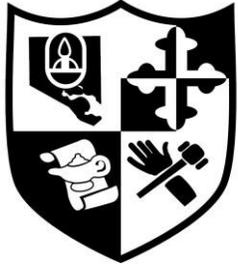
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- relating to the accuracy of the warrant that are known to the officer(s) must be resolved prior to execution of the search and seizure warrant.
2. Be clearly recognizable and identifiable as a police officer, wearing a uniform, badge, and tag bearing the name and identification number of the officer.
 3. Not use flashbang, stun, distraction, or other similar military-style devices, absent exigent circumstances.
 4. Knock forcefully on the door and in a loud voice, provide identification as a police officer, while stating that a search and seizure warrant authorizes entry and lawfully order that the door be opened.
 - a. If a response is heard, officers must identify themselves again as police officer(s), state the existence of a search and seizure warrant, and repeat the lawful order that the door be opened. If the occupant(s) refuse to open the door after a reasonable amount of time an occupant would take to access the door, based upon the size of the location, reasonable force may be employed to gain entry.
 - b. If no response is heard to the initial demand for entry after a reasonable amount of time that an occupant would take to access the door, based upon the size of the location, reasonable force may be employed to gain entry.
 - c. In all cases, the officer must allow a minimum of 20 seconds for the occupants of a residence to respond and open the door before the officer attempts to enter the residence, absent exigent circumstances.
 - d. EXCEPTION: Immediate entry may be initiated if sounds, conversations or other activity coming from within the premises leads the officer to reasonably believe:
 - i. There is a potential threat of physical harm to police officers/occupants,
 - ii. Evidence is being destroyed, or
 - iii. A suspect is escaping.
 5. Once entry has been gained, immediately, and continually, identify themselves by stating "Police, Search warrant" in a loud and forceful voice upon entering any room, traversing any hallway or flight of stairs, and upon contact with any individual inside of the location while conducting a protective sweep for suspects and clearing the premises for officer safety purposes.
 6. Recognize that officers are not permitted by law to search persons solely because they are found inside of a target location during the execution of a Search and Seizure warrant unless those persons are specifically named in the warrant. However, officers may require those persons to remain on-scene, for a reasonable period of time, until the service of the warrant is complete. If an officer has reasonable and articulable

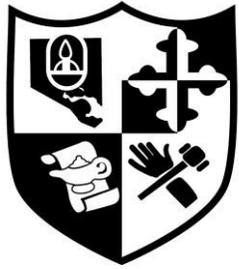


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- suspicion to believe that the person(s) may be armed or in possession of a weapon, then a pat-down/frisk of that person(s) for the safety of the officers and other persons may be conducted.
7. Show a signed copy of the warrant (complete with the Judge's signature) to either the person searched pursuant to the warrant, or to the owner/person apparently in charge of the premises, unless the search and seizure warrant has been sealed by the Judge. A copy of the **Sealing Order** shall be left with the warrant in lieu of the affidavit.
 8. Conduct the search in a professional manner that ensures the safety of the officers and the persons on the premises.
 9. Take before and after photographs of the premise and points of entry when possible.
 10. Ensure all recovered dangerous weapons must be rendered safe.
 11. During the collection of evidence, officers will use numbers (beginning with "1") to indicate evidence recovery locations. Take photographs of evidence/property with the number visible in the photograph.
 12. Leave **unsigned** copies of the Search and Seizure warrant, application, and supporting affidavit (unless there is a Sealing Order) with:
 - a. the person from whom the property was seized, or
 - b. the person apparently in charge of the premise, or
 - c. if neither of such persons is present, leave a copy in a conspicuous place at the premises searched.
 - d. NOTE: Never leave copies with the Judge's signature.
 13. Make and sign a written inventory of the property seized in the space provided on the back of the warrant. Completely describe each item of property seized and leave on copy of the inventory with the owner/person apparently in charge of the premises or on the premises.
 - a. The detailed inventory of the property seized with the warrant must be verified and signed by the executing officer prior to the return.
 14. Complete the appropriate incident report to include, on the second line of the narrative, an indication if the premise searched is located within a Drug Free Zone. If it is, indicate the number of the Zone. In addition, the following should also be included in the incident report:



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- a. Attempts to gain entry by knocking.
 - b. The name of the officer who knocked on the door.
 - c. Reason(s) for forced entry, when applicable.
 - d. Point of forced entry, areas searched and interior description.
 - e. The location(s) that evidence was first found, seized, and the finding officer(s) name.
 - f. The number of photographs taken.
 - g. Date, time and name of the Judge who signed the warrant.
 - h. Identify the exact location of persons present upon entry.
 - i. Identity of the police entry team to include uniformed officers.
 - j. Name of person with whom warrant and inventory was left, or location where warrant was left if no one was present.
15. Submit evidence (property seized) to the BPD Evidence Control Unit.
16. Prepare and maintain a case folder including a copy of the warrant, sketch of the location, photographs taken, and all relative reporting.

NOTE: A Search and Seizure warrant must be executed within ten (10) days from the date of issuance (beginning on the date issued) in a thorough and professional manner with minimal damage or disruption to the premises. If a warrant is not executed, the officers may apply for another warrant.

- C. The executed Search and Seizure warrant, application, and its verified inventory must be returned to the issuing Judge or in their absence, another Judge of the same Circuit or District Court, as promptly as possible. The Search and Seizure warrant must be returned within ten (10) days after execution or within any earlier time set forth in the warrant for its return.
- D. If the case in which the property of a person, which was seized pursuant to the Search and Seizure warrant, is disposed of by way of *noelle prosequi*, dismissal, acquittal, or if the State does not appeal such a criminal case, or if the time for appeal has expired, all property belonging to the person (except contraband, other property not recoverable by law, and/or property in which ownership is in dispute) will be returned if authorized by the State's Attorney Office.



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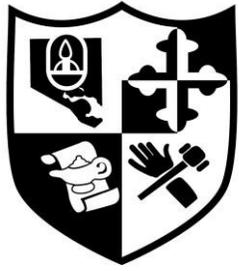
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VII. UNEXECUTED SEARCH AND SEIZURE WARRANTS

- A. A Search and Seizure warrant is valid for 10 days from the date it was issued and may be served only within that time. After the expiration of 10 days, the warrant is void.
- B. Officers may not serve an expired Search and Seizure warrant and will have to reapply for a new Search and Seizure warrant with updated probable cause.
- C. A search warrant that becomes void for lack of timely execution shall be returned to the Judge who issued it. The Judge may destroy the warrant and related papers or make any other disposition the Judge deems proper.

VIII. SUPERVISION

- A. **Supervisors** should:
 - 1. Provide guidance and assistance to officer(s) seeking to obtain a Search and Seizure warrant prior to seeking judicial review.
 - 2. Thoroughly read, review, and approve the Search and Seizure warrant, application, and affidavit.
 - 3. Ensure the risk assessment for executing the Search and Seizure warrant is conducted and in the case of a high risk and medium risk warrant that the BPD SWAT Commander be contacted for direct assistance.
 - 4. Conduct a pre-raid briefing for all members involved in the execution of the Search and Seizure warrant.
 - 5. Ensure that proper equipment has been made available to the members participating in the warrant service.
 - 6. Ensure there are sufficient personnel involved (including back-up) to maximize officer safety.
 - 7. Ensure that officers involved in the executions of warrants are wearing their protective vest and equipment as required.
 - 8. Provide on-site supervision during the entire execution of the warrant, ensuring the proper and professional conduct of the search to include, but not limited to:
 - a. Uniform officer(s) are present.
 - b. Officer's safety is maintained.



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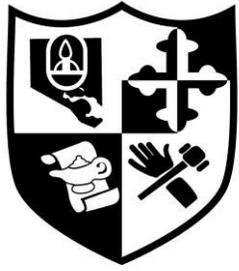
- c. Ensure the premises are left secure.
- d. Utilization of necessary support personnel.
- e. Ensure all paperwork is returned.
- f. Review and approve all related incident reports.
- g. Conduct a post-raid debriefing.
- h. Ensure that the Search Warrant Return is completed and submitted to the issuing Judge within ten (10) working days of the warrant execution.

IX. SEARCH AND SEIZURE WARRANT TRACKING

- A. Any member obtaining a Search & Seizure warrant shall:
 1. Complete a **SEARCH AND SEIZURE WARRANT TRACKING FORM** (Annex A). This form shall be kept with the original warrant until it is served or returned. The completed form shall be submitted to the Records Unit following service or return of the warrant.
 2. Log the warrant in the **WARRANT TRACKING LOG** (Annex C). The officer obtaining the warrant shall log same within 24 hours of obtaining the warrant. This log contains only limited information and is used to ensure that all Search & Seizure warrants are executed/returned within legal time limits. This log shall be maintained by the Records Unit; an assigned departmental member shall review the log on a daily basis and advise the officer and/or their Supervisor regarding any warrants due for service or return.
 3. If the warrant could not be served during allocated time period, an administrative report shall be generated to the Captain of School Police explaining the circumstances.

X. WELLNESS CHECKS

- A. School Police officers may, at the request of the school principal/designee, conduct a welfare check at a student's home, without a warrant, if:
 1. There are reasonable grounds, based on an individualized assessment of the student's circumstances, to believe the student is in imminent danger, and
 2. City Schools staff have been unsuccessful in contacting the student or their parents, despite reasonable due diligence efforts to do so.



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- B. Prior to conducting wellness checks, School Police officers shall make reasonable efforts to contact the students' parents/guardians by phone, if phone numbers are available.
- C. During the wellness check, School Police officers shall only conduct a search with the consent of the student's parent/guardian or the student if they are 18 or older, absent exigent circumstances.
- D. School Police officers conducting wellness checks should be sensitive to some of the reasons why families may be reluctant to open the door (e.g., landlord/eviction issues, domestic violence, and language barriers).
- E. School Police officers conducting wellness checks should be on the alert for any concerns about student wellness, such as signs of child abuse or neglect, and follow all required reporting protocols.
- F. School Police officers shall document all wellness checks according to protocol, and they shall follow up with the school principal/designee regarding the outcome and any follow up.

XI. EFFECTIVE DATE

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature _____ Date _____