

Lincoln County Sheriff's Office  
Standard Operating Policies Manual

General Order

**2-27 EXECUTION of SEARCH WARRANTS**

Effective Date: 12/20/2021  
Revised: 12/20/2021  
Amends/Supersedes: All Previous



Approved by: Sheriff Todd B. Brackett

**I. POLICY**

The Fourth Amendment to the United States Constitution protects our citizens from unreasonable searches and seizures. It requires no warrant be issued without probable cause, supported by oath or affirmation and describing the place to be searched and persons, or things to be seized.

All members of the Lincoln County Sheriff's Office shall adhere to this edict and enhance its compliance by respecting the constitutional rights of the person(s) upon whom the warrant is served. In all search warrant situations deputies will minimize the level of intrusion experienced by those who are having their premises searched and provide for the safety for all persons concerned. Deputies will establish a record of the warrant execution process including any person(s) or item(s) seized.

The Sheriff's Office provides techniques for all deputy sheriffs to accomplish a thorough and legal search, through training and coordination of warrant execution with the prosecutor's office involved in the warrant preparation and review process. No member of the Lincoln County Sheriff's Office shall execute or participate in an unannounced (no knock) search warrant unless there is a valid exemption (Sec IV –C below), that is reviewed by the prosecutor and approved by the court. **BOT 14-1, 14-9**

**II. PURPOSE**

This general order policy establishes procedures for obtaining and executing search warrants. It facilitates a coordinated, efficient system for obtaining and executing search warrants ensuring 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's Office or by the prosecuting authority with jurisdiction.

**III. DEFINITIONS**

Entry Team: Members of the search team who make the initial entry into the premise during a warrant execution.

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

**Exigent Circumstances:** [As it pertains to search and specific warrant notifications (knock and announce situations)]

- (1) "an emergency situation in which police must act quickly to save someone's life or prevent harm,"
- (2) "imminent threat to the life or safety of the public, police officers, or a person in residence,"
- (3) "'hot pursuit' of a fleeing felon,"
- (4) "threatened escape by a suspect," and
- (5) "imminent destruction or removal of evidence."

*United States v Beaudoin, 362 F.3d 60, 66 (1st Cir.2004).*

**Primary Deputy:** The deputy primarily responsible for the investigation, and preparing, planning, and implementing the search warrant.

**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.

**Search Site:** The item(s), person(s), premise(s), or other location to be searched, as explicitly stated in the search warrant.

**Search Team:** Deputies and other law enforcement officers and supporting personnel taking part in the execution of a search warrant.

**Search Warrant (warrant):** A search warrant is a court order that a magistrate or judge issues to authorize law enforcement officers to conduct a search of a person, location, or vehicle or other specific items for evidence of a crime and to seize evidence found. Generally, search warrants pertain to a specific address, structure, person, vehicle or other physical item or location.

**Specific Search Warrant (specific warrant):** Any search warrant that is specific to items such as bodily fluids, fingerprints, DNA etc., or specific records or data such as bank or cell phone, social media and/ or similar items or records. A specific warrant may or may not include a specific address, structure, person, vehicle or other physical item or location.

**Tactical Coordinator:** The deputy or other law enforcement officer responsible for planning and supervising tactical operations to include dynamic entry and other tasks requiring special weapons and tactically trained personnel.

**Unannounced ("no-knock") Search Warrant:** A warrant that authorizes the execution of the warrant without the deputies first announcing the authority for the execution of the

warrant and the purpose for which the warrant was issued. Any warrant is an unannounced warrant if it is executed without waiting for at least 20 seconds after the announcement of authority and purpose before making entry. **BOT 14-7**

#### **IV. PROCEDURES:**

##### **A. Probable cause MLEAP 7.08 (A)**

Any deputy wishing to obtain a search warrant or specific 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 shall approve seeking a search warrant or specific search warrant.

##### **B. Obtaining the warrant MLEAP 7.08 (A)**

It shall be the responsibility of the primary deputy to obtain the search warrant or specific search warrant from a magistrate authorized to issue a warrant.

##### **C. Execution of Search Warrants and Specific Search Warrants MLEAP 7.08 (B)**

1. Unannounced (no-knock) warrants are ONLY authorized if the following criteria are met and do NOT include specific search warrants:

a. The warrant clearly states that providing notice or purpose prior to the execution of the warrant creates an imminent risk of death or bodily harm to an individual(s) in the location named in the warrant, an individual(s) in the surrounding area(s) of that location, or a member of the search team. **BOT 14-2**

b. A recognized exception to the requirement for a search warrant exists including, but not limited to, exigent circumstances. **BOT 14-2 (b)**

2. The existence of imminent risk of death or bodily harm under the exception to the prohibition against an unannounced search warrant must be reviewed and verified by the prosecutor and the warrant's issuing magistrate. **BOT 14-3**

3. A full-time deputy certified under 25 M.R.S. § 2804-C shall be responsible for the direction, oversight, and control of the execution of any search warrant, except that a specific search warrant may be executed by a part-time deputy sheriff provided all requirements of this policy are met. **BOT 14-8**

4. Body Worn Cameras, if available and or operational, are mandated to record the execution of any search warrant, except a specific search warrant unless required by a supervisor, and will be worn in accordance to Sheriff's Office policy 2-17. **BOT 14-5, BOT 14-4 (b)(c)**

5. The primary deputy shall advise and receive approval from the deputy's supervisor before executing or assisting another agency with the execution of a

search or specific search warrant.

a. Any supervisor who approves assistance to another agency with a search warrant or specific search warrant execution shall ensure the warrant is executed in accordance with the responsible agency's policy. Additionally, any Sheriff's Office personnel participating must adhere to this policy at all times.

6. Selection of the search team, if applicable, to execute the warrant shall be based on the deputies or law enforcement officers' prior training and experience in conducting warrant executions consistent with the demands of the warrant execution in question.

7. The primary deputy shall ensure the complete preparation for executing the search warrant and if applicable, the specific search warrant in accordance with its nature and complexity and in consultation with the District Attorney's Office if necessary. This includes but are not limited to the following:

a. Gather intelligence on the target site to include the structure, immediate area surrounding the structure, and surrounding neighborhood. Verify target site address with location to be searched as listed in the search warrant.

b. Assess the capabilities and backgrounds of suspects to include criminal records, history of weapons usage, and potential for violence. **(Use "Risk Assessment" form in Appendix.)**

c. Determine the best time for warrant or specific warrant execution. Whenever practical, the warrant shall be executed as soon as practicable.

d. Ensure the warrant or specific warrant is thoroughly reviewed for accuracy, legal integrity, and completeness.

8. This subsection applies to physical execution of search warrants in general and only applies to the execution of specific search warrants when directed by a supervisor. The primary deputy 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 search warrant to all team members in a warrant execution briefing. The briefing, conducted by both the primary deputy and tactical coordinator (if different individuals) and will include but not necessarily be limited to the following: (See sample "Ops Plan" in Appendix 1)

a. The specific items subject to the search as defined in the warrant and any available information on their location.

b. Information concerning the description of the structure to be searched and surroundings, to include 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. Descriptions of suspects and other occupants (if known) who may be present at the location, incorporating photos whenever possible with emphasis on suspect threat potential, as well as the presence of children, the elderly or others who may not be involved with suspects.

d. A complete review of the tactical plan to include 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, safety, and security of search team and all involved (civilian or otherwise), or for conducting the search.

f. If the execution is a joint agency operation, all officers participating in the warrant execution shall be present and identified as members of the search 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.

9. This subsection applies to search warrants in general and only applies to specific search warrants when directed by a supervisor. 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. **BOT 14-4 (a)**

**D. Entry Procedures:**

(This section applies to physical execution of search warrants in general and only applies to the execution of specific search warrants when directed by a supervisor.)

1. If advance surveillance personnel are at the search site, radio contact shall be made to ensure that the warrant can be executed according to plan.

2. The search team shall position themselves in accordance with the execution plan.

3. When an imminent risk of death or bodily harm exists, only deputies 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. **BOT 14-6**

#### 4. Notification:

a. A clearly identifiable deputy sheriff or other 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.

Example: *Sheriff's Office – Search Warrant... Open the door...* then repeat: *Sheriff's Office – Search Warrant... Open the door...*

b. Following the knock and announce, except when exigent circumstances exist, entry team members shall delay entry for a minimum of 30 seconds to provide a reasonable opportunity for an occupant to respond. If there is no response by an occupant after 30 seconds, the entry team shall make entry.

c. The primary deputy 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, as soon as immediately practical.

#### F. Search Procedures:

1. After safely securing the scene in any search warrant, a photographic and/or video record of the specific address, structure, person, vehicle or other physical item or location shall be made prior to conducting the search. For specific warrants, a photographic and/or video record of the items to be seized or the process of seizing those items such as bodily fluids, fingerprints, DNA etc., shall be made prior to conducting and during the search. If, search team members are assigned to physically search shall then follow the plan that details the likely whereabouts of the items to be seized and the order of operation for conducting the search.

2. Places that may reasonably be expected to contain the items specified in the warrant may be searched, and other items in plain view that are immediately recognized as evidence may be seized.

3. In search warrant cases the evidence collector, designated in the plan and in specific search warrant cases the primary deputy, shall be responsible for coordinating the collection, preservation, and documenting all items seized until possession is transferred to the evidence/property storage location, laboratory, or other authority.

4. Deputies and all search team members must exercise reasonable care in executing the warrant to minimize damage to property.

5. If damage occurs during an entry to premises that will be left vacant, and the damage may leave the premises vulnerable to security problems, arrangements

shall be made to guard the premises until the premises can be 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 shall be taken.

7. If items are seized, an itemized inventory shall be provided to the resident/occupant or responsible party (i.e. bank/ hospital etc.), or in the absence of the same, left in a conspicuous location at the site or with a responsible party.

8. In a timely manner upon conclusion of the warrant execution, the primary deputy and tactical coordinator shall conduct a debriefing of all participating officers.

9. The primary deputy shall prepare and submit an after-action report on the warrant execution, results of actions taken, and recommendations for further investigative actions to the Sheriff or his/her designee.

**G. Return of Warrant MLEAP 7.08**

After execution of the search or specific warrant, the original warrant and affidavit shall be delivered to the Clerk of Courts with jurisdiction. The documents, including an inventory list, if any, shall be properly completed. The 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, unless otherwise exempted by the issuing court.

**LINCOLN COUNTY SHERIFF'S OFFICE  
WARRANT SERVICE RISK ASSESSMENT**

**Incident #:**

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.

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			

Investigator: \_\_\_\_\_ Date: \_\_\_\_\_  
Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

**Score:**

1-15 Points  
16-25 Points  
26+ Points

Service of warrant can be handled by Supervisor  
Consultation with Tactical Team Supervisor or designee required  
Tactical Team to handle warrant service

**NOTE: Assessment compiled and validated by the FBI, current case law and regional crime trends**

## OPERATIONAL PLAN

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**ADMINISTRATIVE DATA**

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Incident #: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Case Agent: \_\_\_\_\_ Threat Assessment or Warrant Service Risk #:  
 Low  Guarded  Elevated

Agency Jurisdiction: \_\_\_\_\_ Notified: \_\_\_\_\_ Point of Contact: \_\_\_\_\_  
 Yes  No

Undercover Agent(s) or CI Involved: \_\_\_\_\_ Identify UC and/or CI:  
 Yes  No

UC or CI Vehicle Description: \_\_\_\_\_ UC or CI Plate #: \_\_\_\_\_ UC or CI Cellular #: \_\_\_\_\_

Nearest Hospital: \_\_\_\_\_

Supervisor's Review Date & Time: \_\_\_\_\_ On-Scene:  
 Yes  No

Division Commander Review Date & Time: *(Required for Elevated Risk & Unusual Circumstances)*

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**BACKGROUND**

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**A. Type of Operation**  
 Surveillance  U/C Purchase  Arrest  
 Search Warrant  Other *(Identify)*

**B. Location(s):** *(Include address, description, also include directions from briefing location)*

**C. Type of Drug / Amount of Money:** \_\_\_\_\_ **D. Flash Roll:** \_\_\_\_\_ **Amount of money:** \_\_\_\_\_  
 Yes  No

**E. Suspect(s) & Vehicle(s):** *(Include name, age, race, sex, description, address, prior criminal background (SBI, NCIC III))*

**Suspect #1 Name:**  
Vehicle Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Registration State & #: \_\_\_\_\_

**Suspect #2 Name:**  
Vehicle Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Registration State & #: \_\_\_\_\_

**Suspect #3 Name:**  
Vehicle Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Registration State & #: \_\_\_\_\_

**F. Weapon(s):**  Yes  No  Unknown Describe: \_\_\_\_\_  
**G. Counter Surveillance Suspected:**  Yes  No  Unknown Describe: \_\_\_\_\_

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**PERSONNEL ASSIGNMENTS**

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Team Leader: \_\_\_\_\_ Call Sign: \_\_\_\_\_ Cellular #: \_\_\_\_\_ Vehicle: \_\_\_\_\_

Air Support: \_\_\_\_\_ Call Sign: \_\_\_\_\_  
 Yes  No

**OPERATIONAL PLAN (CONT.)**

<b>Agent 1:</b>	Call Sign:	Vehicle:	Assignment:
<b>Agent 2:</b>	Call Sign:	Vehicle:	Assignment:
<b>Agent 3:</b>	Call Sign:	Vehicle:	Assignment:
<b>Agent 4:</b>	Call Sign:	Vehicle:	Assignment:
<b>Agent 5:</b>	Call Sign:	Vehicle:	Assignment:
<b>Agent 6:</b>	Call Sign:	Vehicle:	Assignment:
<b>Agent 7:</b>	Call Sign:	Vehicle:	Assignment:
<b>Agent 8:</b>	Call Sign:	Vehicle:	Assignment:

**COMMUNICATIONS / LOGISTICS**

Primary Channel:	Secondary Channel:
Verbal Arrest / Distress Signal:	Visual Arrest / Distress Signal:
Post buy meet location:	

**TARGET OBJECTIVE**

**A. Instructions:**

**B. Addendums:**

Additional Suspect or Officer Assignment Information: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Map of Area: <input type="checkbox"/> Yes <input type="checkbox"/> No	Photo(s) of Suspect(s): <input type="checkbox"/> Yes <input type="checkbox"/> No
Photo(s) of Target Area: <input type="checkbox"/> Yes <input type="checkbox"/> No	Diagram of Residence(s): <input type="checkbox"/> Yes <input type="checkbox"/> No

## OPERATIONAL PLAN (CONT.)

### OPERATIONAL CHECKLIST (Reminder for Planning Purposes Only):

Have the following factors been adequately considered? Is everyone needing to know, fully aware, and informed about them? (not in priority order)

Adequate Plans  
Adequate Communications  
Alternative Tactics  
Ambulance, Fire Department  
Arrest Signals  
Basic Load  
Booby Traps  
Briefings  
Command Advised/Notified  
Communications  
Community Support  
Crossfire  
Destruction of Evidence  
Diagrams  
Direction of Door Swing—In or Out  
District Attorney  
Diversion  
Evacuation  
Evidence Processing Methods/Assignments  
Exact Location Certain  
Expected Outcome  
Explosives/Hazardous Materials  
Financial Costs  
Fire Extinguisher  
Flash Bangs  
Flashlights  
Floor Plans  
Fortifications/Barricades—Entry Locations  
Goal of Operation Clear  
Hostage Negotiators  
Informant Involvement  
Informant Reliability  
Innocent Companions, Spouses, Children  
Intelligence Involved  
Jurisdiction Advised/Involved  
Knock and Announce  
Legal Advisor  
Level of Force  
Level of Crime—Felony/Misdemeanor  
Liability  
Location of Evidence

## OPERATIONAL PLAN (CONT.)

Lookouts/Counter-surveillance  
Media Coverage  
Other Crimes Involved  
Owner of Property  
Presence of Suspects  
Press Release  
Prisoner Transport  
Probable Cause  
Property Damage  
Prosecution  
Pry Bars  
Public Information Officer  
Radio Advised  
Raid Jackets and Identification  
Rams  
Reports  
Rescue Plans  
Risk to Citizens, Officers, and Suspects  
Risks Minimized  
Scams  
Search and Seizure Limitations  
Searching Methods/Assignments  
SERT Van Location  
Special Signals and Backup Signals  
Special Weapons Assignments  
Speed of Entry  
Staging Areas  
Supervision  
Surrounding Area  
Surveillance  
Suspect History  
Time of Day  
Trouble/Rip-Off Signals  
Undercover Persons  
Uniform Presence  
Use of SERT  
Use of Gas  
Use of Chemlight  
Vehicles  
Vests—Shields, etc.  
Warrant and Affidavit  
Weaponry Involved