



Alexandria Police Department

Directive 10.30



SEARCH WARRANTS

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10.30.01 POLICY AND PURPOSE

It is the policy of this Department to conduct all searches in accordance with all federal, state and local laws, and constitutional guidelines.

The purpose of this Directive is to:

- Establish guidelines for obtaining search warrants;
- Ensure proper execution of search warrants;
- Ensure proper completion and handling of legally required documents when a search warrant is executed, or attempted and not executed; and
- Ensure documentation and reporting of the execution of search warrants and instances regarding mistaken entry.

10.30.02 AUTHORITY

Obtaining a search warrant is covered under Sections 19.2-52 through 19.2-60 of the Code of Virginia. The Code of Virginia §19.2-59.1 specifies conditions governing when and how strip searches may be conducted.

10.30.03 OBTAINING A SEARCH WARRANT

- A. Any officer/detective wishing to obtain a search warrant must first seek permission from their supervisor. Supervisors will review the completed search warrant and affidavit prior to the magistrate's review.
- B. Search warrants (State Form DC339) will be obtained only from a magistrate, or from a judge in extraordinary cases.
- C. The search warrant will include:
 - 1. The name of the affiant;
 - 2. The offense or the identity of the person to be arrested for whom a warrant for arrest has been issued;
 - 3. The address or identity of the place or person to be searched;
 - 4. Whether the place to be searched is an abode and if so, if nighttime service has been authorized (see 10.30.04 below);
 - 5. A description of the property or person to be searched for; and
 - 6. A statement that the magistrate or judge has found probable cause to believe that the property or person constitutes evidence of a crime and is located in the place to be searched.
- D. An Affidavit for a Search Warrant (State Form DC338) supporting the issuance of a warrant will be filed with the magistrate or judge prior to the time the search warrant is issued. The Affidavit for a Search Warrant will:
 - 1. Describe the place, thing, or person to be searched;
 - 2. If the place to be searched is an abode, and nighttime service is requested, state the facts constituting good cause for nighttime service (see 10.30.04 below);
 - 3. Describe the things or persons to be searched for;
 - 4. State the material facts constituting probable cause for the issuance of the search warrant;
 - 5. State the offense in relation to which the search should be made, or the identity of the person to be arrested for whom an arrest warrant has been issued; and

6. State that the object, thing or person searched for constitutes evidence of the commission of the stated offense.
- E. The issuing magistrate will retain the original affidavit at the time of issuance. The officer/detective will maintain the original search warrant and a copy of the affidavit. The copy of the affidavit will become part of the search warrant.
- F. Virginia State Code, Section §19.2-56, requires that a search warrant be executed within fifteen (15) days after issuance or otherwise be returned and voided by the issuing magistrate or judge.
- G. An officer/detective may apply for and receive a search warrant for a person, place or thing outside of this jurisdiction, however, the warrant must be executed by a law enforcement officer from the jurisdiction where the person, place or thing is located or the Virginia State Police if the location is anywhere within the Commonwealth.
- H. Vice and narcotics search warrants are the primary concern of the Vice/Narcotics Section. To avoid any potential interference with ongoing investigations, no vice or narcotics-related search warrant should be obtained without the prior notification of a Vice/Narcotics supervisor.
- I. Any time an officer/detective obtains and executes a search warrant, they will document such service in a police report or supplemental report.
- J. Any items or records seized pursuant to a search warrant will be handled in accordance with Virginia Code §19.2-58 and Directive 10.28.

10.30.04 SEARCH OF A RESIDENCE/BUSINESS

A. PLANNING

1. None of the procedures in this section (A. Planning) are required when officers have already legally entered and secured the premises to be searched and have continuously remained therein.
2. The execution of a search warrant at a “place of abode” (this does not include businesses or commercial buildings) will only occur during daytime hours between 8:00 am and 5:00 pm unless:
 - a) Between the hours of 8:00 am and 5:00 pm, a judge authorizes execution at another time for good cause. In this case, the officer completing the affidavit should include a statement of the justification for nighttime service and the name of the judge who authorized such nighttime service;
 - b) Between the hours of 8:00 am and 5:00 pm a judge is not available, and a magistrate authorizes execution at another time for good cause. In this case, the officer completing the affidavit should include a statement of the justification for nighttime service and what efforts were made to obtain authorization from a judge;

- c) The search warrant is issued after 5:00 pm and a magistrate authorizes execution at another time for good cause. In this case the officer completing the affidavit should include a statement of the justification for nighttime service; or
 - d) Prior to the issuance of the search warrant, officers lawfully entered and secured the place to be searched and continuously remained there.
3. Before executing a search warrant at a residence, business, or any other building that may be occupied, the officer/detective will complete the Warrant Threat Assessment Matrix form APD-0603 (PD 10.33 Appendix A). It is the officer's responsibility to make every effort to complete this form accurately and with as much supporting detail as possible.
4. The Special Operations Team Commander will be consulted when required by the Warrant Threat Assessment Matrix.
5. If a search warrant is obtained for a client located at a "protected facility", (i.e., Alexandria Regional Detoxification Center, Alexandria Mental Health, or any other facility where staff is precluded from disclosing the identity of clients), officers will follow procedures in accordance with Police Directive 10.33.09-Writs.
6. The officer/detective responsible for the execution of the search warrant will complete an operational plan which will include, at a minimum:
 - a) The location and detailed description of the exterior and interior of the location to be searched;
 - b) A brief statement of the objective of the search warrant and/or case details;
 - c) Intelligence (photo, CCH, etc.) about any suspects or persons expected to be present inside the location;
 - d) Any special considerations such as pets, children, etc;
 - e) Assignment and responsibilities of all members of the entry/search team; and
 - f) A description of items sought during the search.
7. The primary investigating officer will conduct a briefing prior to the execution of the warrant, with all officers of the entry/search team present. All members of the team will be provided with the operational plan.
8. The on-duty Watch Commander will be notified prior to the execution of any search warrant at a residence, business, or any other building that may be occupied.
9. When appropriate, at the discretion of a supervisor or the investigating officer, the Department of Emergency and Customer Communications (DECC) supervisor will be contacted and advised of pending search warrant executions.

[REDACTED]

[REDACTED]

B. ENTRY

1. Prior to the execution of the search warrant, the officer responsible for the execution and his/her supervisor will ensure that the premises about to be entered are the premises listed in the warrant. If it is not certain that the premises to be entered are the same as those listed in the warrant or that the reason for the search no longer exists, no entry will be made.
2. All officers who are members of the entry team will be in uniform and recognizable as a law enforcement officer.
3. Pursuant to Virginia Code §19.2-56, no officer will seek, execute, or participate in the execution of any "no-knock" warrant. The executing officer or their designee will, before entering the premises, knock and announce the presence of the police and the intention to execute a search warrant at such a volume that it can reasonably be expected to be heard by the residents. Officers must wait a reasonable amount of time after knocking and announcing before making entry into the residence. A reasonable amount of time may vary depending on the time of day and the size of the residence.
4. When possible and with officer safety in mind, the premises will be entered in the least destructive manner possible. Any damage caused during the entry should be photographed and documented in the police report.
5. The search site and all occupants will be secured.
6. Except for the occupants/residents, no other persons except law enforcement officers and those designated by the on-scene supervisor to assist and/or provide expertise in the search (medical examiner, animal control, etc.) will be permitted inside the residence during the search.

C. THE SEARCH

1. After entering and securing the place to be searched, and prior to undertaking any search or seizure pursuant to the search warrant, the executing officer will give a copy of the search warrant and affidavit to the person to be searched or the owner or occupant of the place to be searched. If the place to be searched is unoccupied, the executing officer will leave a copy of the search warrant and affidavit in a conspicuous place within the place to be searched. If the affidavit has been sealed by court order, only the search warrant (not the affidavit) should be provided to the person searched, the owner or occupant of the property, or left in the residence.
2. All occupants of the residence will be identified and secured to prevent interference with the search and to safeguard the search team.
3. Prior to the commencement of the search, photographs of the residence will be taken to document the condition of the premises.
4. A thorough search of the premises for evidence or contraband enumerated in the search warrant will be conducted by the search team. Evidence or contraband that is located will be photographed and seized. The on-scene supervisor should consider assigning one officer/detective to seize all evidence to simplify chain of custody. If items are located during the search which are not specifically

enumerated in the search warrant or are evidence of a crime not identified in the search warrant, the on-scene supervisor should be notified to determine if an additional search warrant should be sought. The investigating officer or on scene supervisor may request the assistance of a Crime Scene Investigator to photograph and seize evidence.

5. Unless the search warrant authorizes the search of “all persons present”, only those persons who are named in the search warrant may be searched. However, if any officer has reasonable suspicion that a person may have a weapon, the officer may conduct a pat down. If the officer observes any behavior which is indicative of criminal activity, such as a furtive gesture or an attempt to conceal evidence or contraband, that person may be searched based on probable cause.
6. The investigating officer or their designee will prepare a list of all items seized pursuant to the search warrant. The itemized list will be provided to the owner or occupant of the premises before the conclusion of the warrant.
7. Photographs of the premises will be taken when the search is complete.

D. POST-SEARCH

1. The investigating officer or their designee will complete a police report and/or supplemental report documenting the execution of the search warrant. The report will include the following information:
 - a) The location, date, and time of the execution of the search warrant;
 - b) The identity of the officer who conducted the knock and announce;
 - c) The identity of all members of the entry and search teams;
 - d) The identity of all occupants present during the search of the premises;
 - e) Any damage caused by police personnel during entry or during the search;
 - f) Any items seized during the search; and
 - g) The time that law enforcement officers completed the search and vacated the premises.
2. In the event of a mistaken entry during the execution of a search warrant, a fully detailed memorandum regarding the incident will be forwarded through channels to the Chief of Police by the primary investigating officer. The Chief of Police will determine if there is a need for an investigation of the incident by the Office of Professional Responsibility.

10.30.05 SEARCH OF A PERSON

- A. An officer/detective may obtain a search warrant to conduct a search of a person in the manner outlined in Directive 10.30.03. Search warrants for a person include, but are not limited to, the authority to seize:

1. Contraband such as drugs;
 2. Weapons;
 3. Clothing;
 4. Blood;
 5. Suspect PERK kit; or
 6. DNA by means of buccal swab.
- B. If the subject to be searched is not in custody, the subject may be located and detained until such time as the search and seizure of evidence has been completed. If necessary, the subject may be transported to a medical or police facility to conduct the search.
- C. Officers who obtain a search warrant for blood for violation of Virginia Code §18.2-266 (DWI) will follow procedures outlined in Directive 11.8.10 and 11.8.11.
- D. Strip searches will be conducted in accordance with Virginia Code §19.2-59.1. If a strip search is necessary for the execution of a search warrant, the procedures outlined in Directive 10.25.03.F will be followed and require the approval of a Sergeant or above.
- E. Body cavity searches require a search warrant and will also be conducted in accordance with Virginia Code §19.2-59.1. Body cavity searches require the approval of a Watch Commander. The procedures outlined in Directive 10.25.03.G will be followed. Body cavity searches other than the mouth will only be conducted by a licensed physician or other medically trained personnel as directed by the physician.

10.30.06 SEARCH OF VEHICLES

- A. The Carroll Doctrine (Carroll v. United States) allows for the search of a vehicle without a search warrant when probable cause exists to believe that the vehicle contains contraband or evidence of a crime. When a search of a vehicle is conducted without a warrant, procedures enumerated in Police Directive 10.37.03.E should be followed.
- B. Depending on the circumstances, such as the severity of the crime being investigated, the location of the vehicle, and the ability of the officer to secure the vehicle, it may be advisable to impound or otherwise secure the vehicle and obtain a search warrant before the vehicle is searched. A supervisor should be consulted before impounding a vehicle for the application of a search warrant.

10.30.07 [REDACTED]

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10.30.08 ELECTRONIC EVIDENCE

- A. The search of any electronic device such as a computer, tablet, or cell phone, requires the issuance of a search warrant unless consent had been granted by the owner. When consent is granted by the owner, officers will document it by obtaining the owner's signature on an APD-0122 Consent Search form.
- B. Generally, electronic items such as a computer, tablet, or cell phone may not be searched incident to arrest (Riley v. California). However, in extremely limited situations, exigent circumstances may justify a limited, warrantless search of a cell phone (see Police Directive 10.25.03 Search Incident to Arrest).
- C. Electronic devices that are seized pursuant to a search warrant (i.e., A laptop computer seized from the home of a suspect during a search warrant at the suspect's home) may be searched by the Electronic Investigations Unit without obtaining a second search warrant (Virginia Code §19.2-53).
- D. Any electronic device that is seized and thought to have evidentiary value should be turned into the Property and Evidence Section under the guidelines established by the Electronic Investigations Unit. [REDACTED]

[REDACTED]

When there is any question as to the proper handling of electronic evidence, guidance should be sought from the Electronic Investigations Unit. When possible, guidance should be sought prior to the seizure of the electronic device.

- E. Officers/detectives may obtain a search warrant to search the contents of any electronic evidence using the procedures in Directive 10.30.03 above.
- F. Once a search warrant has been obtained, the officer/detective should complete a Digital Forensic Exam Request Form. The Request Form, along with the search warrant and the appropriate Property and Evidence Form (PD-39) should be provided to the Electronic Investigations Unit Supervisor for execution of the search warrant.

G. Any data recovered from an electronic device pursuant to the search warrant will be provided to the investigating officer/detective by the Electronic Investigations Unit and will be placed in the case file.

10.30.09 [REDACTED]

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10.30.10 [REDACTED]

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10.30.11 SEARCH WARRANT RETURNS

A. After a search warrant is executed, Virginia Code §19.2-57 requires that the executing officer enter the date and time of the execution on the back (page 2) of the search warrant and sign his/her name. An inventory of all items seized pursuant to the warrant will be listed on or attached to the back (page 2) of the search warrant. The executing officer will file, under oath, the original search warrant with the Clerk of the Circuit Court or a Magistrate in the jurisdiction in which the search was conducted within 3 business days of the execution of the warrant.

B. [REDACTED]

C. [REDACTED]

D. [REDACTED]

By Authority Of:

**Michael L. Brown
Chief of Police**