



FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: SEARCH WARRANTS		NUMBER: 610.3
	EFFECTIVE DATE: July 1, 2019	REVIEW: July 2023	
	TOPIC: PURPOSE AND POLICY		
RESPONSIBLE ENTITY: Major Crimes Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised	
ACCREDITATION STANDARDS:	CALEA 1.2.4, 1.2.5, 74.3.1 <hr/> VLEPSC ADM.02.02, ADM.02.04, OPR.12.04		

I. PURPOSE

The purpose of this General Order is to detail the responsibilities, procedures, and considerations in the execution of search warrants. The described approach of executing a search warrant is intended to result in a fruitful search which withstands the rigors of court, as well as upholds the rights of citizens.


II. POLICY

It is the policy of the Fairfax County Police Department to utilize search warrants as a tool to assist officers during the investigation of criminal activity. Search warrants are to be utilized when probable cause has been established and after a review by a judicial officer in the appropriate jurisdiction. It is the policy of the Department that officers will follow all legal requirements regarding search warrants. Officers shall also utilize any risk assessment guides that may be required.


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	TOPIC: DEFINITIONS		
RESPONSIBLE ENTITY: Major Crimes Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised	
ACCREDITATION STANDARDS:	CALEA 1.2.5		
	VLEPSC ADM.02.02		

III. DEFINITIONS

- A. Affidavit: Statements made under oath or affirmation and preserved verbatim.
- B. Court Order: A direction issued by a court or a judge requiring a person to do, or not do, something.
- C. Judicial Officer: An officer of the court, to include a judge, magistrate, or other person having the authority to issue warrants.
- D. Real-time Location Data (cell phone “ping”): Any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.
- E. Search Warrant: A legal document, based on probable cause, authorizing a law enforcement officer to enter and search a specific location, object or thing.
- F. Tactical Analysis Worksheet (TAW): A form that shall be completed if deemed necessary after the completion of the Warrant Risk Assessment Matrix (WRAM). See [SOP 18-057](#).
- G. Third Party Residence: The residence of a person who is not named in the warrant.
- H. Tracking Device: An electronic or mechanical device that permits a person to remotely determine or track the position or movement of a person or object. “Tracking device” includes devices that store geographic data for subsequent access or analysis, and those that allow for real-time monitoring of movement.

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- I. Warrant Risk Assessment Matrix (WRAM): A form intended to serve as a guide in determining resources necessary to minimize the risk of a search warrant service. This shall be completed for all search warrants served by the Fairfax County Police Department. Upon completion of the WRAM, it may become necessary to complete the Tactical Analysis Worksheet (TAW) and consult with the Special Operations Division. See [SOP 18-057](#).

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	<p>EFFECTIVE DATE: July 1, 2019</p>	<p>REVIEW: July 2023</p>	
	<p>TOPIC: PROCEDURES, RESPONSIBILITES, AND CONSIDERATIONS</p>		
<p>RESPONSIBLE ENTITY: Major Crimes Bureau</p>		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised	
<p>ACCREDITATION STANDARDS:</p>	<p>CALEA 1.2.4, 1.2.5, 42.1.3, 42.1.4</p> <p>VLEPSC ADM.02.02, OPR.02.01, OPR.02.03, OPR.02.04</p>		


IV. PROCEDURES AND RESPONSIBILITIES

A. The officer/detective with responsibility for the case involving a search warrant shall be the lead officer/detective. The lead officer/detective, or their designee, shall have responsibility for the execution of the warrant, under the review and control of a first line supervisor. The lead officer/detective shall:

1. Ensure the accuracy of the warrant.
2. Complete a Warrant Risk Assessment Matrix (WRAM) as required by [SOP 18-057](#) and submit it to their first line supervisor or another supervisor, if circumstances dictate. The reviewing supervisor will then send it to a commander for final review and approval. A determination of resources needed to execute the search warrant will be made by the commander. If SWAT is deemed appropriate, coordination shall be conducted by the commander of the requesting entity to one of the commanders of the Special Operations Division.
3. Conduct a briefing prior to the execution of the warrant, with all search team members present. The following shall be presented at the briefing:
 - a. Review of site characteristics.
 - b. Description of potential occupants and any associated dangers they may pose, to include the presence of domesticated animals.
 - c. Descriptions of items sought at the search site and any indication of their possible locations.
 - d. Assignment of responsibilities for members of the search team.
 - e. Review of the facts of the case.

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4. Ensure proper documentation of all pertinent facts during the search warrant execution is entered in the current Records Management System (RMS).
 5. Comply with all legal requirements related to search warrants. Some search locations may have additional procedural requirements. Examples include, but are not limited to, attorneys' offices and medical/treatment facilities.
 - Officers seeking a search warrant of an attorney's office shall ensure compliance with [Va. Code Ann. § 19.2-56.1](#).
 - Officers seeking a search warrant, or other compulsory process, from a treatment center (e.g., mental health, medical/hospital, substance abuse, group home) should understand these locations are afforded certain protections under federal law and should ensure compliance with [Title 42 Code of Federal Regulation \(42 CFR\), Part 2, \(Specifically 2.65\)](#).
- B. Officers handling a DWI/DUID crash type event who seek guidance on search warrant procedures for blood evidence can refer to the current Operations Support Bureau [DUI Investigation Reference Manual](#).
- C. Officers investigating crimes involving electronic evidence (e.g., computers, cell phones) that require search warrants executed on these devices shall follow the below procedures, AND refer to [General Order 501.7](#), Criminal Investigations Involving Personal Computers As Evidence.
1. The officer/detective who seizes the device and requests a forensic analysis will place the device into the appropriate location of the Property and Evidence Section.
 2. The officer/detective will then submit the Digital Forensic Section (DFS) [Request for Examination form](#) in person, interoffice mail, or email at FCPD.DigitalForensicsSection@fairfaxcounty.gov. This puts the request in the examination queue.
 3. While the request form is in the queue, the officer/detective writes their search warrant, but does NOT obtain a magistrate's signature.


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4. When DFS is ready to conduct the search of the particular device, the DFS detective will contact the officer/detective and advise them to obtain a magistrate's signature within three days.
 5. The officer/detective will advise the DFS detective that the search warrant has been signed and provide a copy of the signed search warrant and affidavit cover sheets only to DFS.
 6. The officer/detective will not execute the warrant at this time and will maintain custody of the original search warrant throughout the process.
 7. Within fifteen days, the DFS detective will begin the search of the device recording the date and time of execution.
 8. The DFS detective will record the date and time the search ended and advise the officer/detective, via email, both the beginning and ending dates and times.
 9. The officer/detective will then write the beginning date and time, followed by a dash, then the ending date and time, on the search warrant and file it with the Clerk of the Circuit Court within three days of the conclusion of the search.
 10. The officer/detective shall ensure a copy of the executed search warrant is left with the electronic device(s) at the Property and Evidence Section.
- D. During exigent situations, involving serious crimes of violence, it may be necessary to secure digital evidence in a timely manner. In these situations, once digital evidence (e.g., cell phones) has been identified as relevant to the investigation, and with the concurrence of the Duty Officer, a supervisor or detective should contact the on-call Cyber and Forensics supervisor as soon as possible. In recognition of the volatile nature of digital evidence, it is permissible for DFS detectives to secure data in anticipation of a search warrant.

V. PRELIMINARY CONSIDERATIONS

A. Search Warrant Preparation

The following factors shall be recognized in the preparation of search warrants:

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1. The search warrant must state the CRIME and code sections for which the search warrant is being obtained.
2. The issuing magistrate shall retain the original copy of the affidavit at the time of issuance.
3. A copy of the search warrant, with a copy of the affidavit attached, shall be provided to the appropriate person located at the search site. In the absence of persons at the site, a copy of the warrant and affidavit shall be placed in view at the site, unless the search warrant is sealed by order of the court.

B. Verification of Search Warrant

The lead officer/detective or the officer/detective preparing the search warrant shall ensure that a member of the search warrant team observes the site of the search before a warrant is obtained, and have it verified by the controlling supervisor when practical. All reasonable measures shall be taken to establish the ownership, occupancy, and interior and exterior description of the search site.

C. Promptness in Execution


Warrants shall be served within 15 days of being issued. Prompt execution will decrease the possibility that the target of the search will become aware of the warrant's existence and will prevent the warrant from becoming stale due to passage of time and possible loss of probable cause. Any delay in the execution of a search warrant within the permitted 15 days must be supported by a reasonable law enforcement need. Under no circumstances will a search warrant be executed after the expiration of the 15-day period.

D. Presence of Uniformed Officer


Search teams shall include at least one uniformed officer in all instances, except tracking device search warrants. The Technical Investigations Unit supervisor or designee shall coordinate safety procedures for tracking device installation, maintenance, or removal.

E. Notifications

First line supervisors shall make the following notifications:

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1. The appropriate district station commander, the Duty Officer, appropriate first line supervisor, and Police Liaison Commander (PLC) shall be advised of every search warrant that will be executed. Requests for assistance from uniformed officers shall be made during this contact.
2. Contact the PLC or the DPSC supervisor and advise of any pending search warrant execution, and request that DPSC personnel ensure a clear channel during the warrant execution until the search site is secured.
3. Requests for assistance from SWAT will be made through the chain of command by the supervisor coordinating the search, through their commander, to the on-call Special Operations Division commander. SWAT will be requested when circumstances require their special expertise to make a safe entry into the target location.
4. The Commander of the Helicopter Division, or designee, shall be notified of the location of the execution site of all search warrants. If it is deemed appropriate by a division commander, supervisor, or SWAT supervisor, the Helicopter Division will be requested to have a helicopter airborne during the execution of the warrant.
5. The supervisor of the Criminal Investigations Section in the affected district will be advised, when appropriate, of the warrant.

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	TOPIC: PRE-ENTRY CONSIDERATIONS		
RESPONSIBLE ENTITY: Major Crimes Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised
ACCREDITATION STANDARDS:	CALEA 1.2.5, 42.1.3, 42.1.4, 74.3.1 VLEPSC ADM.02.02, ADM.02.04, OPR.02.01, OPR.02.03, OPR.02.04, OPR.12.04		

VI. CONDUCT IMMEDIATELY PRIOR TO ENTRY

A. Evaluation of Search Site

The first line supervisor and lead officer/detective shall take reasonable precautions to make certain that the premises/vehicle listed in the warrant are the premises/vehicle sought to be searched, and that the premises/vehicle about to be entered are the premises/vehicle listed on the warrant. The lead officer/detective should be alert for any change in circumstances that negates the reason for the search.

If the first line supervisor and/or lead officer/detective are not certain that the premises/vehicle to be entered are the same as those listed in the warrant, or that the reason for the search no longer exists, no entry shall be made.


B. Documentation

A member of the search team shall document the entire execution of a search warrant, beginning with a statement of time before approaching the search site and continuing until the search team has left the search site. The record shall reflect the identity of all members of the search team, occupants of the search site, items seized, and any other pertinent information related to the warrant execution. This record shall be retained either with the case file or in the current RMS.

C. Positioning the Entry Team

The entry team shall position itself as circumstances dictate. Special Operations Division SWAT supervisory personnel will coordinate positioning of all team members when SWAT is involved in the execution of the warrant.

1. Exits from the premises are to be covered, where possible, at the diagonal corners of buildings.

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2. The uniformed officer, when practical, should be the most visible member of the entry team at the time of entry.
3. If SWAT is involved, no member of the entry team (detectives, supervisors, etc.) shall enter until they are authorized to do so by the SWAT supervisor.

D. Announcement of Authority and Purpose

The lead officer/detective, a member of SWAT, or a uniformed officer shall notify persons inside the search site of the team's presence, and shall announce, in a voice loud enough to be heard inside the search site, that they are the Fairfax County Police and they have a warrant to search the premises and they demand admission to the premises at once (also see Section VII, ENTRY CONSIDERATIONS).

The announcement of authority and purpose is NOT REQUIRED whenever there is reasonable suspicion to believe that such announcement would be dangerous or futile, evidence could be destroyed if an announcement is made. When such information is known at the time the affidavit supporting the warrant is drafted, the information shall be entered as part of the affidavit. The only factors that could contribute to reasonable suspicion to believe that an announcement would be dangerous or futile, or that evidence could be destroyed, are:

1. Firm indication that an occupant of the premises is armed and/or dangerous; or
2. Specific information that an occupant has a history of violence involving threats or attacks on any individual; under circumstances that make it reasonable to conclude that they may respond to the knock and announcement with violence; or
3. Specific knowledge that an occupant would intend to frustrate searches by destroying seizable items following an announcement of authority and purpose; or
4. Specific knowledge that some occupants would be endangered by other occupants if the announcement of authority and purpose is made. When


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information, as indicated above, is developed at the time of entry, immediate entry is justified for reasons of safety and security.

E. Delay Following Announcement

1. If items listed on the warrant are readily disposable, the search team shall delay entry for at least 20 seconds following the announcement, unless:
 - a. They are admitted to the site by an occupant; or
 - b. There is substantial indication that there is a willful delay in responding to the announcement.

2. If the items listed on the warrant are not readily disposable, the search team shall delay entry for at least 60 seconds following the announcement, unless conditions exist as above.

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	TOPIC: <p style="text-align: center;">ENTRY CONSIDERATIONS</p>		
RESPONSIBLE ENTITY: Major Crimes Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised
ACCREDITATION STANDARDS:	CALEA 1.2.4, 1.2.5, 1.3.4, 1.3.5, 1.3.6		
	VLEPSC ADM.02.02, ADM.05.03, ADM.06.01		

VII. ENTRY CONSIDERATIONS

Whenever possible, premises shall be entered in a courteous and non-destructive manner. No force shall be initiated unless resistance is made by a person in the premises, or factors identified in Section VI, D, are present.

A. Force vs. Forceless Entry

The knock and announce requirement previously discussed applies to all entries accomplished by force. Examples of forced entry include:

- The opening of a closed door;
- Entry through an open door; or
- The use of a pass key to gain entry.

Forceless entry does not require a knock and announce. Examples of forceless entry include:


- Entering by invitation; or
- Entering by ruse or trick.

B. Firearms

The use of firearms and less-lethal weapons shall be in accordance with [General Order 540](#), Use of Force.

C. Vacant or Unoccupied Search Sites

Entry into a vacant or unoccupied search site is permissible only if one or more of the following circumstances exist:

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1. The occupants will not be returning to the premises for an extended period of time, if at all;
2. The investigation would be hampered if the premises are not immediately searched; or
3. Executing the warrant at another time would cause substantial disruption or strain on police operations.

Whenever entry into a vacant site is undertaken, the search team should seek entry with a key when available. A copy of the search warrant, with affidavit attached, shall be placed in view at the site, unless sealed by order of the court. The knock and announce requirements set forth in Section VI (D and E), still apply when entry is made into a search site thought to be unoccupied.

VIII. PERSONS WITHIN THE PREMISES

Persons within the premises shall be treated with as much courtesy as possible under the circumstances.

A. Permissible Search of Persons


Mere presence at a search site is not a factor which gives sufficient reason to search a person within the premises unless the search warrant provides authority for the search of persons within the premises.

B. Arrests

Probable cause to arrest a person at the search site may arise during the execution of a search warrant. In that event, a search incidental to that arrest and independent of the warrant may be conducted.

C. Permissible Frisk of Persons

Any person within the premises at the time the warrant is executed or any person that voluntarily enters the premises after the search has commenced may be frisked if the officer/detective has reasonable articulable suspicion that the person is armed and dangerous. Mere presence at the search site is not a sufficient reason to frisk a person within the premises. In order for the frisk to be proper, the officer/detective must be able to articulate facts or circumstances which provide reasonable suspicion to support the action taken.

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D. Restricting Movement of Persons

Restrictions may be placed on the movement of any person at the search site. This restriction is essential to prevent interference with the search and to safeguard the search team and other persons involved. The restriction shall be limited to the time needed to ensure security. Persons not under arrest shall be permitted free movement as soon as practical after no evidentiary or safety interest is in jeopardy.


E. Third Party Residences

There may be instances when officers are denied access to a structure and they have probable cause to believe a wanted person is inside (e.g., credible information that a wanted person is inside the structure). In these circumstances, the scene should be secured, a supervisor will be notified to respond to the area, and a search warrant obtained before proceeding with the search of that structure for a wanted person. This does not preclude an officer from entering the structure if there is a search warrant exception (e.g., exigent circumstances, hot pursuit), or if they receive valid consent to enter. The reasons for entering the structure without a search warrant shall be documented in the current RMS.

IX. SEIZURE OF ITEMS INADVERTENTLY FOUND

Officers should be cognizant that there may be instances when, during the execution of a search warrant, items may be located during the search that are unrelated to the initial crime that led to the search warrant. If contraband items are found they may be seized, provided that they are located in an area where the officer is permitted to search pursuant to the search warrant.

If at any time during the execution of a search warrant, an officer develops probable cause to believe that additional evidence or contraband could be located in areas not permitted to be searched, the officer should apply for a second search warrant that would permit the additional search.

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RESPONSIBLE ENTITY: Major Crimes Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised
ACCREDITATION STANDARDS:	CALEA 1.2.5, 42.1.3, 54.1.1, 84.1.1 VLEPSC ADM.02.02, ADM.16.01, ADM.22.01, OPR.02.04		

X. AFTER-ACTION PROCEDURES

A. Damaged Property


If damage occurs during entry, a supervisor at the scene shall evaluate the need to ensure the protection of the search site until repairs can be made. If it is in the Department's best interest, the supervisor shall assign personnel for protection of the property until the person in control of the property is able to ensure security. If damage occurs after entry and/or during the search, the controlling supervisor will document this damage in the Citizens Damage Report Supplement in the current RMS and forward a copy to the Fairfax County Risk Management Division. In addition and when circumstances dictate, the controlling supervisor may also direct the owner of the damaged property to the [Risk Management Division](#).

B. Warrant Return

The lead officer/detective shall ensure the return of the warrant to the issuing authority as soon as practical, within three days. In the calculation of the three days, Saturdays, Sundays, and state/federal holidays should not be counted. A copy of the list of items seized shall be sworn to under oath, and such fact shall be stated in the inventory sheet before return to the court. If nothing is seized, a statement to that effect shall be filed with the Clerk of Circuit Court of the jurisdiction where the warrant was executed within the same three day time frame detailed above. An electronic copy of the executed search warrant, affidavit, and list of items seized shall be provided to the Media Relations Bureau, unless the warrant is sealed.

C. Sealing of Search Warrant

It is the lead officer/detective's responsibility to determine if a search warrant is required to be sealed. If it is determined that the search warrant should be

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sealed, the lead officer/detective shall coordinate with the Office of the Commonwealth's Attorney to ensure the warrant is sealed. It is the responsibility of the lead officer/detective to reseal the search warrant upon its expiration, if necessary.

- Upon the expiration of a sealed search warrant, the lead officer/detective shall ensure a copy is sent to the Media Relations Bureau.

D. Return of Items of Non-Contraband Items

Whenever non-contraband items seized during the execution of a warrant are no longer needed for prosecution, they may be returned to the proper person, with authority of the Office of the Commonwealth's Attorney.


- E. All search team members will ensure that their actions are documented, as necessary, in the current RMS at the conclusion of the search.**

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	TOPIC: TRACKING DEVICES		
RESPONSIBLE ENTITY: Major Crimes Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised
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XI. PROCEDURES

[Va. Code Ann. § 19.2-56.2](#) regulates the application and issuance of search warrants for tracking devices, as well as their installation and use. The installation and use of tracking devices by Department personnel are coordinated by the Technical Investigations Unit supervisor.


- A. The officer/detective with responsibility for the case involving the search warrant may apply for the warrant in the jurisdiction in which the tracking device will be installed, or the jurisdiction where the offense has been committed, is being committed, or will be committed.
- B. The affidavit submitted in the search warrant application shall include, in addition to any other information required in a search warrant affidavit:
 - 1. Identity of the applicant (officer/detective) and the law enforcement agency conducting the investigation.
 - 2. The identity and owner or possessor (if known) of the vehicle, container, item, or object, to which or in which, the tracking device will be affixed and the jurisdiction in which the vehicle, container, item, or object is expected to be found (if known).
 - 3. Material facts constituting probable cause alleging the offense in relation to the tracking device use, the information likely to be obtained will be evidence of the commission of the offense, and the name of the county or city where the offense has been committed, is being committed, or will be committed.
- C. Issued search warrants will authorize the installation of the tracking device within 15 days, and use of a tracking device for no more than 30 days, from the issuance of the warrant. Extensions of the tracking period, no longer than 30 days each, may be granted by the circuit court. The search warrant, affidavit, return and other related materials shall be sealed by the court.

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D. Within 10 days after the use of the tracking device has ended, the device shall be removed. If there are extenuating circumstances that prevent its removal, the court may grant extensions for up to 10 days each. If an officer is unable to remove the device within 10 days after use of the device has ended, the officer must disable the device, if possible, and cease use of the device. Within 10 days after use of the tracking device has ended, the executed search warrant shall be returned to the court that issued the warrant, and a copy of the executed search warrant shall be served on the person who was tracked and the person whose property was tracked.

Service may be accomplished by:

1. Delivering a copy to the person who, or whose property, was tracked; or
 2. Leaving a copy with any individual found at the person's usual place of abode who is a member of the person's family, other than a temporary sojourner or guest, and who is 16 years of age or older, and by mailing a copy to the person's last known address.
- E. Upon request, and for good cause shown, the circuit court may grant one or more extensions for such service for a period not to exceed 30 days each. Good cause shall include, but not be limited to, a continuing criminal investigation, the potential for intimidation, the endangerment of an individual, or the preservation of evidence.

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	TOPIC: CELL SITE AND REAL-TIME LOCATION INFORMATION		
RESPONSIBLE ENTITY: Major Crimes Bureau		<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised	
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XII. CONTENT OF ELECTRONIC COMMUNICATIONS AND LOCATION DATA FROM THIRD PARTY PROVIDERS


Both U.S. Supreme Court precedent and state law govern an officer's ability to obtain the content of electronic communications (e.g., text messages) or location data (including historic location data and real-time "ping" data) from third party service providers, such as cell phone companies.

In [Carpenter vs U.S.](#), 138 S. Ct. 2206 (2018) the United States Supreme Court held that individuals have a Fourth Amendment right to privacy in the record of their physical movements captured by cell site location information (CSLI), and that, absent consent or exigent circumstances, officers may not obtain historical data associated with CSLI without a search warrant.

[Va. Code Ann. § 19.2-70.3](#) provides that officers must obtain a search warrant to obtain the content of electronic communications or real-time location data from a third party service provider.

Officers are permitted by Va. Code Ann. § 19.2-70.3 to obtain real-time location data without a warrant in the following circumstances:


- To respond to the user's call for emergency services;
- With the consent of the owner or user if the device is in their possession, is in the possession of the owner or user's employee or agent, or if the device has been taken without the owner or user's consent;
- With the consent of the legal guardian or next of kin of the owner or user, if the owner or user is believed to be deceased, is missing, or is unable to be contacted;
- To locate an abducted, missing, or endangered child; or

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- When the officer reasonably believes that the disclosure of such data is necessary to address an emergency involving the immediate danger to a person, and a warrant cannot be obtained in time to prevent the identified danger.
- A. A lead officer/detective conducting an investigation who seeks the real-time location data (cell phone “ping”) shall do the following:
1. Coordinate with DPSC. The PLC will assist as necessary.
 2. The lead officer/detective shall complete a sworn written statement, known as the [Affidavit For Real-time Data Form](#), setting forth the facts articulating the need for this data and file this form with the Clerk of the Circuit Court within three business days.
 3. The lead officer/detective shall scan and attach a copy of the filed Affidavit For Real-time Data Form into the current RMS.


In the absence of consent or emergency circumstances as outlined in [§ 19.2-70.3](#), a search warrant shall be obtained as outlined below.

- B. The lead officer/detective conducting an investigation who desires cell site location information or the content of electronic communication (e.g., texts) should utilize the current version of district court forms [DC-308](#) and [DC-309](#) for the affidavit and search warrant. The requirements for serving, filing and notifications regarding these search warrants are the same as with all other search warrants.

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: SEARCH WARRANTS		NUMBER: 610.3
	EFFECTIVE DATE: July 1, 2019	REVIEW: July 2023	
	TOPIC: LEGAL REFERENCES		
RESPONSIBLE ENTITY: Major Crimes Bureau			<input type="checkbox"/> New Directive <input type="checkbox"/> Replaces: <input checked="" type="checkbox"/> Revised
ACCREDITATION STANDARDS:	CALEA 1.2.4, 1.2.5, 42.1.3, 42.1.4 VLEPSC ADM.02.02, OPR.02.01, OPR.02.03, OPR.02.04		

XIII. LEGAL REFERENCES

- A. [Va. Code Ann. § 19.2-52](#); When a search warrant may issued
- B. [Va. Code Ann. § 19.2-53](#); What may be searched and seized
- C. [Va. Code Ann. § 19.2-53.1](#); Taking blood samples pursuant to search warrant; immunity
- D. [Va. Code Ann. § 19.2-54](#); Affidavit preliminary to issuance of search warrant; general search warrant prohibited; effect of failure to file affidavit
- E. [Va. Code Ann. § 19.2-55](#); Issuing general search warrant or search warrant without affidavit deemed malfeasance
- F. [Va. Code Ann. § 19.2-56](#); To whom search warrant directed; what it shall command; warrant to show date and time of issuance; copy of affidavit to be part of warrant and served therewith; warrants not executed within 15 days
- G. [Va. Code Ann. § 19.2-56.1](#); Warrant issued for search of attorney's office
- H. [Va. Code Ann. § 19.2-56.2](#); Application for and issuance of search warrant for a tracking device; installation and use
- I. [Va. Code Ann. § 19.2-57](#); Execution and return of warrant; list of property seized
- J. [Va. Code Ann. § 19.2-58](#); Disposition of property seized
- K. [Va. Code Ann. § 19.2-59](#); Search without warrant prohibited; when search without warrant lawful

FAIRFAX COUNTY POLICE DEPARTMENT  GENERAL ORDER	SUBJECT: SEARCH WARRANTS	NUMBER: 610.3
	TOPICS: LEGAL REFERENCES	

- L. [Va. Code Ann. § 19.2-60](#); Motion for return of seized property and to suppress
- M. [Va. Code Ann. § 19.2-60.1](#); Use of unmanned aircraft systems by public bodies; search warrant required
- N. [Va. Code Ann. § 19.2-70.3](#); Obtaining records concerning electronic communication service or remote computing service
- O. [Title 42 Code of Federal Regulation \(42 CFR\), Part 2, \(Specifically 2.65\)](#); Procedures and criteria for orders authorizing disclosure and use of records to criminally investigate or prosecute patients
- P. [Terry vs Ohio](#), 392 U.S. 1 (1968), US Supreme Court
- Q. [U.S. vs Singleton](#), 441F. 3d 290 (2006), US Court of Appeals for the Fourth Circuit
- R. [Richards vs WI](#), 520 U.S. 385 (1997), US Supreme Court
- S. [Carpenter vs U.S.](#), 138 S. Ct. 2206 (2018), US Supreme Court

General Order 610.3 becomes effective on July 1, 2019, and rescinds all previous rules and regulations pertaining to the subject.

ISSUED BY:



Chief of Police

APPROVED BY:



County Executive