



KENOSHA POLICE DEPARTMENT

POLICY AND PROCEDURE

1.11 Searches of Premises With and Without A Warrant

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I. PURPOSE

The purpose of this policy is to provide officers of the Kenosha Police Department with guidelines for executing a search, with or without a warrant.

II. POLICY

It is the policy of the Department that officers conducting a search, with or without a search warrant, will carry out their duties safely, efficiently and in conformity with state and federal requirements.

III. DEFINITIONS

- A. *Search Site:* The premises and/or person(s) to be searched.
- B. *Search Personnel:* Law enforcement officers and supporting personnel taking part in the execution of the search.
- C. *Evidence Collector:* Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.
- D. *Supervising Officer:* Search team member, the rank of Sergeant or above who will be responsible for planning and coordinating the execution of the search and/or warrant service.

IV. PROCEDURE

When the need arises to assemble personnel to conduct the search of a premise, with or without a search warrant, the following guidelines will be followed:

- A. Supervisory Responsibility
 1. The Shift Commander shall be notified of the impending search or inspection. The Shift Commander or their designee will be in charge of the operation and, for purposes of this policy, will be referred to as the Supervisory Officer. The Shift Commander is ultimately responsible for the outcome of the execution of the search.
 2. The Supervisory Officer will be of the rank of Sergeant or above.
 3. The Supervisory Officer shall be responsible for ensuring that the search warrant is valid and that the property about to be searched is the property listed on the warrant.

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4. The Supervisory Officer will determine officer assignments and will record them in a supplementary report. Those assignments include but are not limited to:
 - a. Who will serve the warrant, if applicable?
 - b. Entry Team.
 - c. Exterior security.
 - d. Special weapons team and requirements, if applicable.
 - e. Who will be assigned to provide security for vehicles and equipment at the scene?
 - f. Search teams and areas of responsibility.
 - g. Evidence collection to include photographs.
5. If multiple arrests are anticipated, the Supervisory Officer will make arrangements for transportation, booking, and lockup area.
6. If the operation warrants, the Supervisory Officer will request a representative of the District Attorney's Office on scene to provide legal advice.
7. If a search is conducted to locate a person, the Supervisory Officer will furnish the search team with a photograph or other means of identifying the wanted person.
8. The Supervisory Officer will be responsible to see that all reports are prepared, distributed and in the event of a search warrant that a proper return of warrant is filed.

B. Uniform and Equipment Requirements

1. The search team shall at all times include at least one uniformed officer. All non-uniformed officers shall be clearly identified as law enforcement officers by a distinctive jacket or some other indicator of office.

C. Time Limitations on Search Warrant Execution

1. A search warrant shall be executed as soon as practicable within the conditions stated in state and federal law. Circumstances that may necessitate a delay in executing a search warrant include, but are not limited to the following:
 - a. The need to have several searches occur simultaneously, which requires coordination and mobilization of law enforcement resources.
 - b. The seizable items have not arrived at the search site.
 - c. The probability that substantial resistance will be encountered.
 - d. A particular person(s) is (are) absent from the search site, and the Supervisory Officer feels that the search would best be conducted if that person were present.
 - e. The need to protect an informant's identity.

D. Preparation for the Search.

1. If time permits, the Supervisory Officer shall conduct a pre-entry briefing of the execution process with all search team personnel. The briefing shall include a review of the actual order of operations and procedures the search personnel will follow. A simulation of the conditions of the search site (using maps, charts and diagrams) may be used if appropriate. Each officer will be given their assignment along with instructions on tactics and equipment to be used in the event of forced entry.

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2. Prior to making assignments in regard to the search, the Supervisory Officer will determine if any specialty units will be needed. Specialty units include but are not limited to:
 - Tactical Response Team
 - HDS Team
 - Emergency Medical Team
 - Fire Department
 - Evidence Collection Unit
3. The supervising officer shall attempt to determine if any circumstances have changed that make executing the search warrant at that time undesirable.
4. The Supervisory Officer shall ensure that the entire search warrant execution process is documented, from beginning to end, and continued until the search team leaves the premises. A written record shall be supported by photographs and, if practical, a videotaping of the entire search site from start to finish.

E. Entry Procedures

1. The approach to the scene shall be executed without sirens. If a pre-execution surveillance team is on the scene, radio contact shall be made to ensure that it is an appropriate time to serve the search warrant.
2. The search personnel shall position themselves in the following manner:
 - a. Exits from the premises shall be covered.
 - b. Uniformed officers shall be the most visible members of the search team, and shall conduct the entry.
 - c. Non-uniformed officers shall be the last members to enter the search site.
3. Notification
 - a. If executing a warrant the supervising officer, or a uniformed officer, shall notify persons inside the search site, in a voice loud enough to be heard inside the premises, that they are a police officer, have a warrant to search the premises, and that they demand entry to the premises at once.
 - b. No-knock entries shall be made in accordance with state law.

F. On Premises Activities

1. The Supervisory Officer shall ensure that the search team conducts a security sweep of the search site.
2. After the search site has been secured, search personnel shall develop a prioritized strategy that details the likely whereabouts of the items to be seized and an order of operation for conducting the search.
3. One person shall be designated as responsible for collecting, preserving, and documenting all items seized until possession is transferred to the evidence custodian.
4. During the search the Supervisory Officer will be responsible to see that there is no unnecessary damage to property. If damage occurs to a 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 it can be secured.

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- 5.** If damage occurs, a report shall be prepared on the actions that caused the damage, as well as a detailed description, including photographs, of the nature and extent of the damage.