



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Search Warrant Service

Eff. Date 11/27/2018

Search warrants will only be sought where probable cause exists to believe that evidence or contraband is in the location named in the warrant. Command approval is required prior to seeking a search warrant for any building, dwelling or other occupied premises. Command approval is not required to apply for a search warrant for property or vehicles that are already in Madison Police Department (MPD) custody/control, or for premises that are already occupied and controlled by MPD personnel.

All search warrants requiring any type of tactical/forcible entry will be planned and executed by MPD SWAT personnel. The following process will be utilized:

1. The District/Team/Work Unit wanting to serve the search warrant obtains permission to proceed with the planning process from their command staff. The appropriate Assistant Chief will be notified.
2. District/unit commander or designee contacts an MPD SWAT commander or supervisor to request assistance with warrant planning and service. A SWAT supervisor will be designated to coordinate the planning process.
3. The district/unit commander or designee will assist SWAT in the planning process as needed (providing intelligence/information, assisting with threat assessment, etc.).
4. SWAT personnel will plan and serve the warrant. District/unit personnel may be requested to assist with the tactical plan (stop cars, etc.), and will be responsible for the post-entry investigative aspect of the warrant. District command staff will coordinate post-warrant communication with the neighborhood/community as appropriate (based on investigative needs, impact on the area, visibility of the tactical operation, etc.).

The threat assessment/planning process will dictate the number of personnel, equipment and tactics to be used during the warrant's service. All personnel directly involved in a search warrant operation will be in uniform or otherwise clearly identifiable as police. The operational plan and tactics utilized will be consistent with MPD SWAT training and procedures, and with best practices.

Unknown Risk and No-Knock Warrants

SWAT warrant service takes on two forms, unknown risk (aka knock and announce) and no-knock (aka high-risk).

A component of the planning/threat assessment process for search warrants includes a determination of whether a no-knock search warrant should be sought. A no-knock warrant should generally be requested if reasonable suspicion exists that knocking and announcing prior to entry would be dangerous, futile or would inhibit the effective investigation of the crime (by allowing for the destruction of evidence, for example). Factors to be considered include:

- Presence of firearms at the location to be searched
- Presence of other weapons posing a risk to officers at the location to be searched
- History of firearm possession/use on the part of suspects or others who may be present at the location to be searched
- History of possession/use of other weapons on the part of suspects or others who may be present at the location to be searched
- History of violence on the part of suspects or others who may be present at the location to be searched (includes any history demonstrating a risk/threat to officers)

- History of resisting officers on the part of suspects or others who may be present at the location to be searched
- Presence of dangerous dogs at location to be searched
- Fortifications
- Look outs
- Other specific dwelling issues (size of dwelling, location, etc.)
- Video Surveillance

The reasonableness of a no-knock entry depends on the circumstances that exist at the time of entry. If specific factors that support a no-knock warrant are no longer present at the time of entry, knocking and announcing is required.

If the warrant to be served does not include a no-knock provision, officers must knock and announce prior to entering the dwelling. The team leader is responsible for performing the knock and announce function and notifying dispatch or the Command Post of such, or designating another officer to do so.

When knocking and announcing, officers must knock on the door to the dwelling and announce their purpose. The knock and announcement must be reasonably audible to persons inside the dwelling. It is only necessary to knock and announce once per dwelling.

After knocking and announcing, officers must wait a reasonable amount of time for the occupants to allow entry. If a reasonable time passes and officers are not allowed in, entry may be forced. What constitutes a reasonable time is primarily dependent on the time of day the warrant is served and the size of the residence.

If occupants refuse to allow officers to enter, entry may be forced without waiting. If unanticipated circumstances arise that justify a no-knock entry (such as the examples listed above), entry may be forced without waiting.

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