



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

970 – SEARCH WARRANTS

GENERAL ORDER: 2021-XX
ISSUED:

EFFECTIVE:

REVIEWED/APPROVED BY:

DATE:

ACTION: Amends General Order 2016-42 (June 24, 2016)

WILEAG STANDARD(S): NONE

ROLL CALL VERSION

Contains only changes to current policy.
For complete version of SOP, see SharePoint.

970.05 POLICY

It shall be the policy of the Milwaukee Police Department to provide proper techniques to accomplish a thorough and legal search, observe the constitutional rights of the person(s) the warrant is being served upon, minimize the level of intrusion experienced by those who are having their premises searched, provide for the highest degree of safety for all persons concerned, and establish a record of the entire application and execution process. ~~The Milwaukee Police Department shall only seek, apply for, and execute no-knock search warrants if the member has reasonable grounds to believe that knocking and announcing a police presence would create an imminent threat of physical violence to the member and/or another person and not solely to prevent the destruction of evidence.~~

970.10 DEFINITIONS

D. NO-KNOCK SEARCH WARRANT

A search warrant issued by a judge or court commissioner authorizing department members to enter and search a premises without knocking and announcing their presence or purpose prior to entering the premises.

970.15 PRE-APPLICATION

C. NO-KNOCK SEARCH WARRANTS

Department members shall not seek, apply for, or execute a no-knock search warrant unless approval has been given to provide support to an outside agency in accordance with 970.25(B)(1) or 970.30(B)(1).

1. Department members shall not seek or apply for a no-knock search warrant without written approval from the Chief of Police, or designee.
2. Department members requesting permission to seek or apply for a no-knock search warrant shall file a *Department Memorandum* (form PM-9E) (or email in exigent circumstances) through their chain of command that must be endorsed by their commanding officer.
3. The member requesting permission to seek or apply for a no-knock search warrant shall include in the request the reasonable grounds the member believes supports the conclusion that knocking and announcing a police presence would create an imminent threat of physical violence to the member and/or another person. Members shall not seek, apply for, or execute a no-knock search warrant solely to prevent the destruction of evidence.
4. The supervisor filing the AIM report shall record the no-knock search warrant approval and execution in the AIM system.
5. A Tactical Enforcement Unit (TEU) supervisor shall evaluate each no-knock search warrant request as part of the risk assessment process listed in SOP 970.25(A) and SOP 970.30(A), and the TEU shall only execute the warrant in a no-knock manner when it is tactically efficient to do so.
6. Approved no-knock search warrants shall be executed in accordance with [Wis. Stat. § 968.14](#) and [Article I Section 11](#) of the Wisconsin Constitution.

D. EXECUTION OF RESIDENTIAL SEARCH WARRANTS

1. Residential search warrants shall only be executed [REDACTED]
2. Department members requesting approval to execute a residential search warrant [REDACTED] shall request permission from the night watch commander prior to executing the search warrant.

E. OUTSIDE JURISDICTIONS EXECUTING SEARCH WARRANTS

If a state or local agency obtains a premises search warrant and requests assistance from the Milwaukee Police Department (to include HIDTA and any task force members) in executing the warrant in the City of Milwaukee, a supervisor from the district or division seeking to assist a different agency in executing the warrant shall contact a TEU sergeant or lieutenant and advise them of the of type of warrant and the planned execution of the warrant.

Note: This section does not apply to no-knock search warrants and please see SOP 970.25(B) and 970.30(B) regarding the requirements for Milwaukee Police Department members to participate in no-knock search warrants.

FG. After receiving permission to proceed, a supervisor shall open the appropriate search warrant report form in the AIM system and generate a search warrant number. The name of the shift commander or higher authority granting permission to proceed must be recorded at this time. After drafting the search warrant application, the affidavit must be thoroughly reviewed by the member's shift commander and an assistant district attorney prior to presentation to a judge or court commissioner for signing.

970.20 DECONFLICTION

- A. Prior to application for a premises or vehicle related search warrant and again before execution, the ~~HIDTA Watch Center and ACISS~~ **HIDTA Watch Center / Fusion Division Watch Desk** shall be utilized for deconfliction of the address and suspect(s).
- B. ~~The HIDTA or Intelligence Fusion (IFC) Watch Centers can be contacted at [REDACTED] Monday Friday, 7:30 a.m. — 2:00 a.m. The IFC Watch Center can also be contacted on Saturday from 8:00 a.m. to 12:00 p.m. The HIDTA Watch Center / Fusion Division Watch Desk can be contacted at [REDACTED] (Monday through Friday 7:00 a.m. – 1:00 a.m. and Saturday and Sunday 8:00 a.m. – 12:00 a.m.). The alternative number for the Fusion Division Watch Desk [REDACTED]~~
- C. ~~If the HIDTA or IFC Watch Centers are unavailable for deconfliction, the application and execution of a warrant can proceed with deconfliction through ACISS.~~ Members shall only conduct their own deconfliction checks if the HIDTA Watch Center / Fusion Division Watch Desk are unavailable for deconfliction. Members shall follow the procedures set forth in subsection A during the hours the HIDTA Watch Center / Fusion Division Watch Desk are available as an ACISS check does not replace a full deconfliction with HIDTA or the Fusion Division. Any deconfliction number shall be included in the incident report or ACISS in the narrative section.
- D. Deconfliction checks shall also be performed for non-search warrant related activities (e.g., planned arrests, buys, buy/busts, buy/walks, CI buys, consent searches of residences or businesses, or controlled deliveries). Members shall not request a deconfliction be performed unless it is pursuant to an active investigation documented by an incident report number, an open ACISS case number, or other verifiable means.
- E. If a deconfliction "hit" exists and before any action is taken, the investigating officer shall make contact with the existing case investigator on the hit either in person, via phone, or via email to determine if an investigative or tactical conflict exists.

970.25 SEARCH WARRANT RISK ASSESSMENT AND EXECUTION

This section does not apply to members assigned to the HIDTA who obtain a search warrant related to that assignment as they shall follow the procedures set forth in 970.30.

A. RISK ASSESSMENT

1. Search Warrant Risk Assessment Form (PW-3E)

- c. In cases where a scene has been secured by officers or detectives and a search warrant is needed for further investigation, the scene shall be “frozen” and a supervisor from the division or district shall be contacted to obtain a search warrant. These cases do not require any further risk assessment or TEU notification. Members are required to follow the deconfliction procedures set forth in 970.20 while obtaining the search warrant.
- d. Members shall indicate on the *Search Warrant Risk Assessment Form* if there is any intelligence indicating the presence of opioids (e.g., heroin, fentanyl). If there is any intelligence indicating the presence of opioids, the following safety procedures shall be adhered to by members assigned to search teams or containment during the execution of a search warrant:
 1. A supply of Naloxone shall be readily available at the scene of the search warrant.
 2. A supply of personal protection equipment shall be readily available at the scene of the search warrant including nitrile gloves, safety gowns, safety glasses, and N-95 respirator masks.
 3. The use of noise flash distraction devices (also referred to as “flashbangs”) are only authorized to be used by members assigned to the TEU that are trained and equipped to evaluate the risk, environment, and the need for the use of distraction devices.
 4. The TEU members involved in the execution of the search warrant shall wear assigned equipment as directed by a TEU supervisor and follow all necessary decontamination procedures.

2. Risk Level

- b. The sergeant or lieutenant in charge of executing the search warrant has the authority to raise or lower the risk category, based upon on-scene intelligence at the time of warrant execution. Only the TEU supervisor in charge of executing

the search warrant has the authority to lower the risk category based upon on-scene intelligence at the time of warrant execution.

B. EXECUTION OF A SEARCH WARRANT

1. Exceptions

- a. Members who assist in the execution of a search warrant obtained by another agency are not subject to the process enumerated in this SOP provided notification is made to the TEU pursuant to SOP 970.15(E) and the search warrant is executed in accordance with that task force or agency's policies and procedures with the exception of no-knock search warrants.
- b. If a different agency obtains a search warrant and requests assistance from the Milwaukee Police Department in executing the warrant, the Milwaukee Police Department will decline to participate in any entry made without an announcement preceded by a knock unless the assistance is approved in writing by the Chief of Police, or designee.
- c. A supervisor of the district or division seeking to assist a different agency in executing a no-knock search warrant shall file a *Department Memorandum* (form PM-9E) (or email in exigent circumstances) through their chain of command that must be endorsed by their commanding officer.
- d. The member requesting permission to assist a different agency in executing a no-knock search warrant shall include in the request the reasonable suspicion the member believes supports the conclusion that knocking and announcing a police presence would be dangerous or would inhibit an effective investigation.

2. Briefing

- b. The requesting supervisor shall ensure the *Operations Briefing Sheet* (form PW-6E) is completed prior to the briefing and that all personnel assigned to execute the warrant receive a copy of the *Operations Briefing Sheet*.

Note: The *Operations Briefing Sheet* (form PW-6E) is only required for premises related search warrants and positive vehicle containment operations.

- c. The sergeant or lieutenant in charge of executing the warrant shall conduct a pre-entry event briefing with all personnel (TEU, district and/or division members) participating in the execution of the warrant. During this briefing, all participating personnel shall be informed of the risk level and the guidelines for executing the search warrant at the assessed level of risk.

3. Notification

a. Patrol Initiated

1. Monday – Friday (8:00 a.m. – 6:00 p.m.). The shift commander of the district in which the warrant is being served shall notify the Technical Communications Division supervisor at extension [REDACTED] and the assistant chief of the Patrol Bureau at extension [REDACTED].
2. Monday – Friday (6:00 p.m. – 8:00 a.m.), weekends, and city holidays. The shift commander of the district in which the warrant is being served shall notify the Technical Communications Division supervisor at extension [REDACTED] and the night watch commander.
3. If the serving officer's district is different from the district where the warrant will be executed, the serving officer's shift commander shall notify the shift commander of the district in which the warrant is being served.

b. Criminal Investigation Bureau Initiated

1. Monday – Friday (8:00 a.m. – 6:00 p.m.). A supervisor assigned to the division that is initiating the search warrant shall notify the Technical Communications Division supervisor at extension [REDACTED], the assistant chief of the Criminal Investigation Bureau at extension [REDACTED], and the shift commander of the district in which the warrant is being served.
 2. Monday – Friday (6:00 p.m. – 8:00 a.m.), weekends, and city holidays. A supervisor assigned to the division that is initiating the search warrant shall notify the Technical Communications Division supervisor at extension [REDACTED], the night watch commander, and the shift commander of the district in which the warrant is being served.
- ~~a. Additionally, notification shall be made to the field inspector and the Technical Communications Division shift commander.~~
- ~~b. If the serving officer's district is different from the district where the warrant will be executed, the shift commander of the district of execution must be notified.~~

970.30 SEARCH WARRANT RISK ASSESSMENT AND EXECUTION FOR MEMBERS ASSIGNED TO THE HIDTA

A. RISK ASSESSMENT

1. Search Warrant Risk Assessment Form (form PW-3E)
 - b. The requesting HIDTA member must submit a *Search Warrant Risk Assessment Form* to a HIDTA supervisor.
 2. The HIDTA supervisor shall then submit the *Search Warrant Risk Assessment Form* to a TEU sergeant or lieutenant to determine the appropriate risk level and the appropriate tactical team to execute the warrant.
 - c. In cases where a scene has been secured by members of the HIDTA and a search warrant is needed for further investigation, the scene shall be “frozen” and a supervisor from the HIDTA shall be contacted to obtain a search warrant. Members are required to follow the deconfliction procedures set forth in 970.20 while obtaining the search warrant.
 - d. Members shall indicate on the *Search Warrant Risk Assessment Form* if there is any intelligence indicating the presence of opioids (e.g., heroin, fentanyl). If there is any intelligence indicating the presence of opioids the following safety procedures shall be adhered to during the execution of the search warrant.
 1. A supply of Naloxone shall be readily available at the scene of the search warrant;
 2. A supply of personal protection equipment shall be readily available at the scene of the search warrant including nitrile gloves, safety gowns, safety glasses, and N-95 respirator masks.
 3. The use of noise flash distraction devices (also referred to as “flashbangs”) are only authorized to be used by members assigned to the TEU that are trained and equipped to evaluate the risk, environment, and the need for the use of distraction devices.
2. Risk Level
 - a. Only a HIDTA TEU supervisor shall determine the risk level of a search warrant. Documented risk factors on the *Search Warrant Risk Assessment Form* and intelligence provided by the HIDTA member(s) that obtained the warrant shall dictate the risk level for execution of a search warrant.
 - b. The HIDTA or TEU supervisor in charge of executing the search warrant has the authority to raise or lower the risk category, based upon on-scene intelligence at the time of warrant execution. Only the TEU supervisor in charge of executing

the search warrant has the authority to lower the risk category based upon on-scene intelligence at the time of warrant execution.

B. EXECUTION OF A SEARCH WARRANT

1. Exceptions

Members who assist in the execution of a search warrant obtained by another agency are not subject to the process enumerated in this SOP provided notification is made to the TEU pursuant to SOP 970.15(E) and the search warrant is executed in accordance with that task force or agency's policies and procedures ~~with the exception of no-knock search warrants.~~

- a. If a different agency obtains a search warrant and requests assistance from the Milwaukee Police Department in executing the warrant, the Milwaukee Police Department will decline to participate in any entry made without an announcement preceded by a knock unless the assistance is approved in writing by the Chief of Police, or designee.
- b. A supervisor of the district or division seeking to assist a different agency in executing a no-knock search warrant shall file a *Department Memorandum* (form PM-9E) (or email in exigent circumstances) through their chain of command that must be endorsed by their commanding officer.
- c. The member requesting permission to assist a different agency in executing a no-knock search warrant shall include in the request the reasonable suspicion the member believes supports the conclusion that knocking and announcing a police presence would be dangerous or would inhibit an effective investigation.

2. Briefing

- b. The HIDTA supervisor shall ensure the *HIDTA Operations Briefing Sheet* is completed prior to the briefing and that all personnel assigned to execute the warrant receive a copy of the *HIDTA Operations Briefing Sheet*.

Note: The *HIDTA Operations Briefing Sheet* is only required for premises related search warrants and positive vehicle containment operations.

3. Execution

- b. High-Risk

A HIDTA supervisor may shall consult with a TEU or other agency tactical team supervisor in the instance of a high-risk search warrant, and the TEU's or other tactical team's assistance may be authorized after consultation with this supervisor.

970.35 POST SEARCH WARRANT

- B. The sergeant or lieutenant in charge of executing the search warrant and the supervisor of the division or district which obtained the search warrant shall complete the appropriate search warrant report form in the AIM system, as well as in-depth statistical intelligence gathered from the execution of the warrant. A *Narcotics Supervisor's Search Warrant* (form PN-20E) report shall also be completed if applicable. If the risk category at the time of warrant execution was raised or lowered from the initial risk assessment, the supervisor completing the AIM report shall explain the basis for revision and that the warrant was executed in accordance with the revised risk category in the notes section of the AIM report.
3. The AIM report (except in the instance of a sealed search warrant) shall be thoroughly completed and reviewed within ~~seventeen (17)~~ thirty (30) days following the date on which the warrant was returned to the Clerk of Court and tracked to the Inspections Section. Expired sealed search warrants shall be thoroughly completed and reviewed within ~~seventeen (17)~~ thirty (30) days following the date on which the warrant's final seal expired and tracked to the Inspections Section.
- C. The work location that obtained the search warrant shall retain the *Search Warrant Risk Assessment Form*, *Operations Briefing Sheet* (if applicable), and the *Narcotics Supervisor's Search Warrant* (if applicable) for one year and shall forward a copy to Open Records for imaging. The *Search Warrant Risk Assessment Form*, *Operations Briefing Sheet*, and *Narcotics Supervisor's Search Warrant* shall be destroyed in accordance with SOP 680.10(E)(5) as it relates to data protection and security after one year. The *Search Warrant Risk Assessment Form* that is retained by the work location must contain the following information:
3. The work location that will serve the search warrant as determined by the TEU (except for search warrants obtained by the HIDTA).

Note: ~~In the instance of a sealed search warrant, the work location shall retain the Search Warrant Risk Assessment Form in accordance with this section, but they shall not forward a copy to Open Records until the warrant's final seal expires.~~

- D. Members shall return search warrants to the clerk of court within 48 hours of the execution of the warrant in accordance with Wis. Stat. § 968.17.

1. The member returning the search warrant to the clerk of court shall obtain the tracking number from the clerk of court and provide it to the supervisor completing the AIM report.
2. The supervisor completing the AIM Report in accordance with 970.35(B) shall include the tracking number in the corresponding field of the AIM report.

A handwritten signature in black ink, appearing to read 'J.B.N.' with a long horizontal stroke extending to the right.

JEFFREY B. NORMAN
ACTING CHIEF OF POLICE

JBN:mfk