



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

970 – SEARCH WARRANTS

GENERAL ORDER: 2021-XX
ISSUED: March 29, 2021

EFFECTIVE: March 29, 2021

REVIEWED/APPROVED BY:
Inspector Paul Formolo
DATE: February 18, 2021

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

WILEAG STANDARD(S): NONE

970.00 PURPOSE

The purpose of this policy is to provide department members with guidelines for the application and execution of a search warrant.

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.

970.10 DEFINITIONS

A. DECONFLICTION

An immediate notification investigation tool utilized by law enforcement to ensure officers are not intentionally hurt or killed during investigative efforts, particularly undercover operations by ensuring agencies are not unknowingly working in close proximity or agencies which may be conducting an investigation on the same suspect at the same time.

B. HIGH-RISK

“High risk” search warrants include those search warrant executions which the TEU sergeant or lieutenant reasonably believes will involve a high degree of danger to police officers and citizens. Reasonable belief shall be based upon risk factors which include, but are not limited to no knock forced entry, the

presence of weapons, vicious dogs, number of persons present at the scene, location, time of day, and dangerous nature of criminal activity or suspected offenses.

C. LOW-RISK

“Low-risk” search warrants include those search warrant executions which the TEU sergeant or lieutenant (or division or district supervisor in instances of secured scenes) reasonably believes lack sufficient risk factors to the extent that the warrant execution is unlikely to pose a danger to police officers or citizens.

D. NO-KNOCK

No-knock search warrants are cases when the TEU forcibly enters the premises while simultaneously announcing that they are the MPD – they do not knock and announce first. No-knock search warrants are a Use of Force and subject to SOP 460 – USE OF FORCE.

970.15 PRE-APPLICATION

A. SEARCH WARRANTS REQUIRING APPROVAL OF COMMANDING OFFICER OR HIGHER AUTHORITY

Department members seeking to obtain a search warrant for a premises, canine sniff, or body cavity search warrant shall first notify and have the approval of their commanding officer or higher authority.

B. SEARCH WARRANTS REQUIRING APPROVAL OF SHIFT COMMANDER OR HIGHER AUTHORITY

Department members seeking to obtain a search warrant not related to a premises, canine sniff, or body cavity search warrant (e.g., vehicle, technology, DNA) shall first notify and have the approval of their shift commander or higher authority.

C. NO-KNOCK SEARCH WARRANTS

1. No-knock search warrants are a Use of Force, and as such, SOP 460.10 (DISTURBANCE RESOLUTION MODEL) must be employed prior to proceeding, during the risk assessment, and throughout the execution of the warrant – if it is determined that a no-knock entry is required.

2. Department members shall not seek or apply for a no-knock search warrant without written approval from the Chief of Police, or designee, and they must present the search warrant affidavit and completed PW-3E form at the time of the request.

3. 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.
4. The member requesting permission to seek or apply for a no-knock search warrant shall include in the request the search warrant affidavit, which must include 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.
5. The Search Warrant Risk Assessment process described in SOP 970.25.(A) and SOP 970.30(A) shall be completed BEFORE the search warrant affidavit is submitted to the Court for approval. The completed Search Warrant Risk Assessment Form (PW-3E) must accompany the search warrant affidavit submitted to the Court.
6. The supervisor filing the AIM report shall record the no-knock search warrant approval and execution in the AIM system.
7. A Tactical Enforcement Unit (TEU) supervisor shall evaluate each no-knock search warrant request, including the supporting affidavit, as part of the risk assessment process listed in SOP 970.25(A) and SOP 970.30(A), and prior to the member submitting the affidavit and accompanying PW-3E form to the Court for approval. The TEU shall only execute the warrant in a no-knock manner when it is tactically efficient to do so.

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 [REDACTED] warrant 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 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.

- F. 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 and PW-3E form 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 / Fusion Division Watch Desk shall be utilized for deconfliction of the address and suspect(s).
- B. The HIDTA Watch Center / Fusion Division Watch Desk can be contacted [REDACTED] ([REDACTED] 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. 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)

- a. The requesting supervisor or shift commander of the district or division that **is seeking to obtain** ~~obtained~~ a premises related search warrant shall, as soon as practicable, contact a TEU sergeant or lieutenant to coordinate **risk assessment and** execution of the search warrant.
- b. The potential destruction of controlled substances suspected to be located on the premises shall not be used to justify a no-knock entry.**
- c. The requesting supervisor or shift commander must submit a *Search Warrant Risk Assessment Form* (form PW-3E) to a TEU sergeant or lieutenant via department e-mail. The TEU supervisor shall acknowledge receipt of the PW- 3E by contacting the requesting supervisor. To facilitate the risk assessment, the requesting supervisor or shift commander of the district or division **seeking to obtain** ~~that obtained~~ the search warrant shall provide the TEU sergeant or lieutenant with all necessary intelligence for an effective evaluation, including neighborhood considerations and any deconfliction information.
- d. 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.
- e. 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") **is prohibited.** ~~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

- a. Only a TEU sergeant or lieutenant shall determine the risk level of a search warrant. Documented risk factors on the *Search Warrant Risk Assessment Form* and intelligence provided by the division or district that obtained the warrant shall dictate the risk level for execution of a search warrant.
- b. The sergeant or lieutenant in charge of executing the search warrant has the authority to raise 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 **request for** assistance is

accompanied by the search warrant affidavit and PW-3E form and 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 search warrant affidavit documenting 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 along with the PW-3E form.

2. Briefing

- a. Prior to the execution of a search warrant, the sergeant or lieutenant in charge and in conjunction with the requesting supervisor, shall ensure that there are appropriate personnel assigned to execute the warrant based on the risk level.
- 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-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.

4. Execution

- a. During the execution of high risk search warrants, entry team members shall be deployed in full tactical gear with department insignia prominently displayed.

Entry team members shall have "Police" and their names clearly displayed on the front and back of their tactical vests.

b. High Risk

An entry team consisting of a TEU complement and equipment, as determined by the TEU sergeant or lieutenant, shall execute high-risk search warrants in accordance with the TEU standard operating instructions for a full tactical entry.

c. Low-Risk

In general, low-risk search warrants shall be executed in a non-dynamic manner, utilizing the tactics of the [REDACTED]. The TEU is not required to execute low-risk search warrants; however, their assistance may be authorized after consultation with a TEU sergeant or lieutenant. During the execution of low risk search warrants, all uniformed and plain clothes members shall be identifiable at all times and equipped with body armor.

- d. The sergeant or lieutenant in charge of executing the warrant must assess the risk posed to members or evidence prior to the release of persons on the scene of a low-risk search warrant who are not the focus of the warrant.
 - e. The sergeant or lieutenant shall ensure the entire search warrant execution process is documented. Written documentation shall be supported by photographs of the entire search site. "Google Maps" shall not be the sole source of supporting documentation.
5. Contingencies
- a. During the execution of a low-risk search warrant, if officers are met with resistance that exceeds their training or capabilities, they shall cease service of the warrant and establish proper containment. Once proper containment is established, the TEU shall be notified to provide a safe resolution. Resistance may include, but is not limited to the following: officers met by gunfire; barricaded subjects; fortifications that prohibit entry; and threat(s) requiring TEU resolution as determined by the serving officer.
 - b. The TEU can provide assistance if needed to make entry during a low risk warrant if the requesting entity does not have the appropriate equipment or training to do so.

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)
 - a. The HIDTA member that is seeking to obtain obtained a premises related search warrant shall, as soon as practicable, contact a HIDTA supervisor to coordinate the risk assessment and execution of the search warrant.
 - b. The potential destruction of controlled substances suspected to be located on the premises shall not be used to justify a no-knock entry.

- c. The requesting HIDTA member must submit a *Search Warrant Risk Assessment Form* to a HIDTA supervisor.
 1. To facilitate the risk assessment, the requesting HIDTA member that **that is seeking to obtain** obtained the search warrant shall provide the HIDTA supervisor with all necessary intelligence for an effective evaluation, including neighborhood considerations and any deconfliction information.
 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.
- d. 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.
- e. 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”) **is prohibited.** ~~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 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 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 request for assistance is accompanied by the search warrant affidavit and PW-3E form and 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 search warrant affidavit documenting 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

- a. Prior to the execution of a search warrant, the HIDTA supervisor in charge shall ensure that there are appropriate personnel assigned to execute the warrant based on the risk level.
- 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 *Operations Briefing Sheet* (form PW-6E) is only required for premises related search warrants and positive vehicle containment operations.

- c. The HIDTA supervisor in charge of executing the warrant shall conduct a pre- entry briefing with all personnel 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. Execution

- a. During the execution of high risk search warrants, entry team members shall be deployed in full tactical gear with department insignia prominently displayed. Entry team members shall have "Police" and their names clearly displayed on the front and back of their tactical vests.

- b. High-Risk

A HIDTA supervisor 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.

- c. Low-Risk

In general, low-risk search warrants shall be executed in a non-dynamic manner, utilizing the tactics of the [REDACTED]. The TEU's or other agency's assistance may be authorized after consultation with a TEU or other tactical team supervisor. During the execution of low risk search warrants, all uniformed and plain clothes members shall be identifiable at all times and equipped with body armor.

- d. The HIDTA supervisor in charge of executing the warrant must assess the risk posed to members or evidence prior to the release of persons on the scene of a low-risk search warrant who are not the focus of the warrant.
- e. The HIDTA supervisor shall ensure the entire search warrant execution process is documented. Written documentation shall be supported by photographs of the entire search site. "Google Maps" shall not be the sole source of supporting documentation.

4. Contingencies

During the execution of a low-risk search warrant, if HIDTA members are met with resistance that exceeds their training or capabilities, they shall cease service of the warrant and establish proper containment. Once proper containment is established, the TEU shall be notified to provide a safe resolution. Resistance may include, but is not limited to the following: members met by gunfire; barricaded subjects; fortifications that prohibit entry; and threat(s) requiring TEU or other tactical team resolution as determined by the serving officer.

970.35 POST SEARCH WARRANT

- A. The supervisor in charge of executing the warrant shall ensure all members involved in a search warrant debrief their search warrants.
- 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.
 - 1. The AIM report is to be completed and tracked to the appropriate supervisor/shift commander within three (3) days following the date on which the warrant was returned to the Clerk of Court.
 - 2. Each subsequent review by the shift commander/commanding officer shall be completed and tracked in an expeditious manner.
 - 3. The AIM report (except in the instance of a sealed search warrant) shall be thoroughly completed and reviewed within 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 thirty (30) days following the date on which the warrant's final seal expired and tracked to the Inspections Section.
 - 4. The Inspections Section shall review AIM reports within fourteen (14) days following receipt from the commanding officer of that work location.

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. 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:

1. The risk assessment number assigned by the TEU or the HIDTA.
2. The risk level of the search warrant (e.g., high or low) as determined by the TEU or the HIDTA.
3. The work location that will serve the search warrant as determined by the TEU (except for search warrants obtained by the HIDTA).

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.

JEFFREY B. NORMAN

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

ACTING CHIEF OF POLICE