

JACKSONVILLE POLICE DEPARTMENT

Policy: 10-12
Effective: 01-01-09
Revised: 05-02-19

SEARCH: RESIDENCES

PURPOSE: To establish policy regarding the search and seizure of residences.

POLICY: It is the policy of this Department to:

- A. Provide techniques to accomplish a thorough and legal search;
- B. Observe the constitutional rights of the person(s) the warrant is being served upon;
- C. Minimize the level of intrusion experienced by those who are having their premises searched;
- D. Provide for the highest degree of safety for all persons concerned; and
- E. Establish a record of the entire warrant service process.

Officers are directed that there are only three (3) lawful methods upon which he may enter a person's dwelling. These methods include a warrant (arrest or search, with differing rules for each), exigent circumstances, or consent.

DEFINITIONS:

- I. **PROBABLE CAUSE (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- II. **EXIGENT CIRCUMSTANCES ENTRY:** Entry of a dwelling without a warrant due to some existing emergency that would not allow an officer time to get a warrant.
- III. **SEARCH INCIDENT TO ARREST:** A search of the arrestee and their immediate area of control that is allowed whenever a custodial arrest is made.
- IV. **CONSENT:** The voluntary granting of permission for an officer to enter an area that is protected by the Fourth (4th) Amendment, by a person who has a reasonable appearance of authority over that area.
- V. **DYNAMIC ENTRY:** The utilization of a special team (i.e. SRT) when executing a high-risk warrant, entering to control a barricaded subject, or similar high risk event.

PROCEDURES:

- I. **KNOCK AND ANNOUNCE**
 - A. Prior to considering a forced entry into a dwelling, officers must knock at the entrance and announce their identity and purpose unless one (1) of the following circumstances exists:
 1. The officer's purpose is already known to the occupant;
 2. When the personal safety of the officer or others would be jeopardized by the announcement;
 3. When the delay caused by the announcement may enable the suspect to escape;
 4. When a prisoner has escaped and retreated to his home; and/or
 5. When the announcement may cause evidence to be destroyed.