
CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 1.8

SUBJECT: PROCEDURAL RULES FOR STOP AND FRISK, WARRANTLESS SEARCHES, AND WARRANT SEARCH

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INDEX AS:

- 1.8.1 STOP AND FRISK
- 1.8.2 WARRANTLESS SEARCHES
- 1.8.3 WARRANT SEARCHES

PURPOSE:

The purpose of this policy is to establish proper procedures for conducting contacts, stops, and pat-down searches, and to establish procedural rules for searches both with and without warrants.

DEFINITIONS:

Contact: Face-to-face communications between an officer and a person under circumstances where the person is free to leave.

Inventory: An inventory is a listing of items seized. The purpose of an inventory is to protect or secure the property of the owner, to ensure that property seized is not dangerous, and to protect the Department against false claims that property was lost, damaged, or stolen while in police custody. An inventory will document, receipt, and account for each item for which the Department could assume responsibility.

Pat-down: A "frisk" or external manipulation of an individual's outer clothing for the sole purpose of discovering weapons.

Pedestrian Detention Stop: Any stop of a pedestrian in a public place that results in a frisk, search, summons, or arrest.

Reasonable Suspicion: Articulable facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed.

Search: A search is an examination of a person, place, or any other thing for the purpose of discovering "seizable items."

Seizure: A seizure involves taking custody of a "seizable item", which could include a motor vehicle under certain circumstances.

Seizable Item: A seizable item is an item of contraband, evidence of a crime, fruits of a crime, a weapon, or an item that may be used to aid an escape from custody.

Stop / Terry Stop: The brief detainment of an individual, whether on foot or in a vehicle, based upon reasonable suspicion, for the purpose of determining the individual's identity and resolving the officer's suspicions concerning criminal activity.

Stop Card: A form to be used in compliance with 625 ILCS 5/11-212 by law enforcement officers to gather demographic information during a reportable encounter initiated by the officer.

POLICY:

1.8.1 STOP AND FRISK

- A. In accordance with 725 ILCS 5/108-1.01, an officer may pat down or frisk a person for weapons if the officer has stopped a person for temporary questioning pursuant to 725 ILCS 5/107-14 (Temporary Questioning Without Arrest) and reasonably suspects that the person may be armed and dangerous.
- B. The authority to search for and seize weapons is for the limited purpose of allowing an officer to protect himself and others. The authority is clearly NOT for the purpose of searching for and seizing evidence, although during the course of frisk evidence may on occasion be discovered and become the basis for an arrest.
- C. The "plain feel" doctrine is described in Minnesota v. Dickerson, 113 S. Ct. 2130. This doctrine allows an officer to seize evidence other than a weapon, if, while conducting a pat down or frisk, the nature of the contraband evidence is "immediately apparent" to the officer based upon his feel of the object through the person's clothing during the pat down.
- D. In accordance with 625 ILCS 5/11-212 (Traffic and Pedestrian Stop Statistical Study) an officer who subjects a pedestrian to a detention stop in a public place and conducts a frisk or search or the stop results in a notice to appear or arrest shall document such stop on a stop card.
- E. Contact Procedures.
 - 1. An officer may initiate a contact with a person in any place that the officer has a right to be. A contact may be undertaken by an officer who reasonably believes under the circumstances that

some investigation of an unusual situation is appropriate.

2. The officer shall identify himself or herself as a police officer as soon as reasonably possible after the contact is made, and will conduct the contact in a polite and courteous manner. Persons contacted may not be stopped or detained against their will, or frisked without consent. If the person refuses to cooperate, they must be permitted to go on their way. However, if it seems appropriate under the circumstances, they may be kept under surveillance.

F. Stop Procedures.

1. If an officer reasonably suspects that a person has committed, is committing, or is about to commit a crime, he has the authority to stop that person. Reasonable suspicion is more than a hunch or feeling, but less than the probable cause standard necessary for an arrest. Every officer who conducts a stop must be prepared to cite those specific factors that led him to believe that the stop was justified. Such facts include, but are not limited to, the following:
 - a. The demeanor of an individual suggests that he is part of a criminal enterprise or is engaged in a criminal act.
 - b. The actions of the individual suggest that he is engaged in criminal activity.
 - c. The hour of day or night is inappropriate for the suspect's presence in the area.
 - d. The individual's presence in a neighborhood or location is inappropriate.
 - e. The individual is carrying a suspicious object.
 - f. The individual's clothing bulges in a manner that suggests he is carrying a weapon.
 - g. The individual is located in proximate time and place to an alleged crime.
 - h. The officer has knowledge of the individual's prior criminal record or involvement in criminal activity.
 - i. The individual flees at the sight of a police officer.
 - j. Police training and experience.

G. Procedures for Initiating a Stop.

1. Based upon observation of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person if he has reasonable suspicion to do so. The following guidelines shall be followed:
 - a. Explanation to detained person: Officers shall act with as much restraint and courtesy

towards the person stopped as is possible. The officer making the stop shall identify himself as a police officer as soon as practicable after making the stop. In every case, at some point during the stop the officer shall give the person stopped a brief explanation of the purpose of the stop.

- b. Duration of the stop: A person stopped pursuant to these procedural rules may be detained at or near the scene of the stop for a reasonable period of time. Officers should confine their questions to those concerning the suspect's identity, place of residence, and/or other inquiries necessary to resolve the officer's suspicions. However, in no instance shall an officer detain a person longer than is reasonably necessary to make these limited inquiries and resolve suspicions.
- c. Rights of detained person: Stopped persons are not required, nor can they be compelled, to answer any questions during the stop. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to make an arrest, although it may provide sufficient justification for additional observation and investigation.
- d. Use of force: An officer shall use only that force which is reasonably necessary to carry out the investigative function of a stop. The amount of force used to effect a stop shall not be such that it could cause death or great bodily harm to the person being stopped.

H. Procedures for Pat-Down Searches.

1. An officer has the right to perform a pat-down search (or frisk) of the outer garments of a stopped person for weapons or dangerous instruments when the officer reasonably suspects that the person is carrying a concealed weapon or dangerous instrument and that a frisk is necessary to protect the officer or others. Not every stop poses sufficient justification for conducting a frisk.
2. A frisk is a limited search for the purpose of protection only. If the external feeling of the person's clothing fails to disclose evidence of a weapon, no further search may be made.
 - a. Securing separable possessions: If the person is carrying an object such as a handbag, briefcase, sack or other item that may conceal a weapon, the officer may not open the item unless there is reasonable suspicion that it contains a weapon, but should place it out of the suspect's reach.
 - b. Scope of search: The officer should begin the frisk at that part of the person's clothing most likely to contain a weapon. If the outer clothing is too bulky to allow the officer to determine if a weapon is concealed underneath, the officer may open the outer clothing to allow a pat-down of the inner

clothing. If a weapon is located, possession of which is a crime, a full-custody arrest may be made.

- c. Areas within reach: The officer may also perform a limited search of areas within the stopped person's reach if the officer reasonably suspects that such areas might contain a weapon.

3. An officer who makes a detention stop of a pedestrian in a public place shall provide a receipt to the pedestrian which shall include the officer's name, badge number, and the reason for the stop.

I. Reporting.

1. Adequate records of stop or frisk activity will serve to ensure the proper exercise of law enforcement authority. All reportable encounters will be documented in accordance with **Policy 1.9 Bias Based Profiling**.
2. Officers shall submit completed documentation prior to the end of their shift during which the stop was completed unless otherwise directed or approved by a supervisor.

1.8.2 WARRANTLESS SEARCHES

- A. Warrantless searches or seizures must be based upon one of the recognized exceptions to the warrant requirement in order to be lawful. The recognized exceptions to the warrant requirement include:

1. Searches or seizures incident to arrest.
2. Movable vehicle exception.
3. Exigent circumstances.
4. Open areas/fields.
5. Premises or property involving no reasonable expectation to privacy.
6. Consent.
7. Plain view.

B. Consent Searches.

1. When an officer desires to make a search not authorized by these procedural rules and no search warrant exists, consent to search may be requested only if reasonable suspicion exists. The person(s) who consents to the search must have genuine authority over the immediate area or object to be searched. Consent may be given either verbally or in writing. Verbal consent should be witnessed by a third party. When feasible, written consent should be obtained prior to consent searches.
2. In order for consent to be valid it must be:
 - a. Clearly given;

- b. Freely and intelligently given;
- c. Given without duress or coercion; and
- d. Specific as to what may be searched.

3. The person(s) giving consent may withdraw their consent at any time.

4. Any officer conducting a consent search shall complete either a report or a field interview card. The officer shall:

- a. Document the circumstances surrounding the search.
- b. Document specifically which officers were present for the search.
- c. Forward the report or the field interview card to a supervisor at the conclusion of the shift, or as soon as possible.

C. Suspicionless Search of Parolee.

1. The Illinois Supreme Court held in *People v. Wilson*, No. 102562, 2-7-08, in a unanimous decision, that the residence and person of an individual who is subject to Mandatory Supervised Release (MSR) may be searched without warrant and without suspicion, and that the Fourth Amendment does not prohibit a police officer from conducting a suspicionless search of a parolee. 730 ILCS 5/3-3-7(a)(10) provides that a condition of every Mandatory Supervised Release (MSR) is that the subject consent to a search of his or her person, property, or residence under his or her control. Officers basing their search on this ruling should state in their documentation (Field Interview, Stop Card, or report) how they knew that the subject was on Mandatory Supervised Release (MSR), and indicate that the search was based on the suspicionless search of parolee ruling.

D. Seizable Items Found in Plain View.

1. An officer lawfully in any place may, without obtaining a search warrant, seize any item which he observes in plain view (including items observed through the use of a flashlight), if he has probable cause to believe that the item is a "seizable item."
2. There are two conditions required to justify a PLAIN VIEW seizure:
 - a. The officer's lawful presence in (or prior valid intrusion into) the area entitled to Fourth Amendment protection; and
 - b. It must be immediately apparent that the item is a seizable item to justify its seizure. Moving items or the rearrangement of items to note serial numbers, for example, is not supported by the plain view doctrine

3. An officer lawfully in any place to effect an arrest may not go into other rooms solely for the purpose of looking for seizable items in plain view. A visual inspection of other areas can be made if there is reasonable suspicion based on specific and articulable facts that another person(s) is present and may pose a threat to officers. This inspection must be limited to areas where a person could be found and can last no longer than is necessary to dispel the reasonable suspicion of danger and no longer than it takes to complete the arrest and depart.

E. Searches incident to arrest.

1. Search of person incident to arrest.

- a. A full-custody arrest is the taking of a person into physical custody for purpose of removing the arrestee from the place of arrest and taking him to police headquarters for arrest processing or interview, to court, or to jail.

- 1) Whenever an officer makes a full-custody arrest of a person, he SHALL conduct a full warrantless search of the arrested person's clothing and the surface of his/her body in a manner designed to reveal the presence of seizable items.

- 2) The officer, may at his/her discretion, also conduct a warrantless search of:

- i. The contents of items or containers within the area of arrestee's immediate control at the time of the search (whether or not on his/her body or on/in his/her clothing).
- ii. The contents of items or containers beyond the arrestee's immediate control if the arrest is made in a location where the arrestee has no reasonable expectation of privacy.

2. Search of a vehicle incident to arrest.

- a. Pursuant to the United States Supreme Court ruling in Arizona v. Gant, officers are no longer automatically entitled to a search of the passenger compartment of a vehicle from which an individual is arrested. Prior to the Gant ruling, the permissible scope of a search incident to arrest included the area within the defendant's immediate control *at the time of arrest*; the permissible scope of a search incident to arrest is now considered to be the area within the defendant's immediate control *at the time of the search*.

- b. As a result of the Gant ruling, a search incident to arrest of the passenger compartment of a vehicle is now permitted only when:

- 1) It is reasonable to believe that evidence relevant to the crime of arrest might be found in the vehicle; or

- 2) There is probable cause to believe that a vehicle contains evidence of a crime; or

- 3) There is reasonable suspicion to believe that anyone in the vehicle (not only the arrestee) is dangerous or might access the vehicle to gain immediate control of weapons.

3. Unless circumstances dictate otherwise, warrantless searches should be conducted at the time and place of arrest and in the immediate presence of the arrested person. If seizable items are found, or probable cause otherwise develops, a wider search may be justified.

4. If items or containers are seized incident to arrest and removed from the area of the arrestee's immediate control, a warrantless search to examine the contents of said item or container must be based on one or more of the following:

- a. Consent.

- b. Exigent circumstances.

- c. Examination pursuant to departmental policy for inventories of an arrestee's property, provided that the officer reasonably expects that the arrestee will be detained in jail until a court appearance.

F. Stop Followed by Citation or Notice to Appear

1. Individuals charged with petty traffic violations or other petty offenses and other persons who are not placed under full-custody arrest should not be searched and neither should their vehicles. If, based upon specific and articulable facts, the officer making the stop reasonably suspects that the person is armed and dangerous he may "frisk" the person for weapons and may search areas of the passenger compartment where a weapon could be concealed.

G. Moveable Vehicle Exception.

1. Incident to Arrest.

- a. The moveable vehicle exception allows an officer to search the entire vehicle when he has probable cause to believe evidence may be located where he is looking.

- 1) If probable cause is limited to a certain area, the officer cannot go beyond the scope of that search.

- 2) This type of search should not be confused with a search incident to arrest where the area of "immediate control" becomes an issue.

- b. It is not necessary to keep the arrestee near the vehicle during this type of search. The search should be conducted at the scene

after the arrestee has been secured in a squad car. In some cases, conditions may not allow the vehicle to be searched at the scene of the arrest. Such conditions include;

- 1) Hostile crowd.
- 2) Bad weather.
- 3) Heavy traffic.
- 4) Absence of needed equipment or keys.

In such cases the vehicle shall be secured in police custody and searched as soon as practical and/or safe. The officer may consider consulting with a supervisor or representative of the State's Attorney's office for guidance after moving the vehicle.

2. Not Incident to Arrest.

- a. If an officer has probable cause to believe that seizable items are in a vehicle, either locked or unlocked, all areas of the vehicle and any containers within the vehicle that could contain the seizable items may be searched without a warrant as long as:

- 1) The vehicle is in a public place.
- 2) The vehicle appears to be drivable.
- 3) The vehicle is occupied or has recently been occupied.
- 4) The officer concludes there is inadequate time in which to obtain a search warrant before the vehicle is driven away or the seizable items can be removed from the vehicle.

H. Exigent Circumstances and Fresh Pursuit.

1. The exigent circumstances exception to the warrant requirement allows an officer to search without a warrant under situations where the officer recognizes there is substantial risk to persons, property, or evidence if the officer does not immediately enter and search.
 - a. There are several key factors to consider in determining whether or not exigent circumstances exist.
 - 1) The gravity of the offense, particularly crimes of violence.
 - 2) The suspect is reasonably believed to be armed and dangerous.
 - 3) There is probable cause that the suspect committed the offense.
 - 4) There is a strong likelihood that the suspect is on the premises.

- 5) That the suspect is likely to escape if not immediately apprehended.
- 6) The circumstances of entry and time delay.
- 7) The likelihood evidence will be lost, destroyed, or tampered with (Non-Residential Premises Only).
- 8) Immediate entry is necessary to prevent death or great bodily harm, or to render assistance to sick or injured within the premises (Any Premise).
- 9) The reasonableness of the police conduct.

2. Fresh pursuit occurs when officers take direct action to apprehend a suspect who is fleeing to avoid arrest.

- a. An officer in fresh pursuit of a fleeing felony suspect may follow the suspect into a vehicle or building for purposes of making a probable cause arrest and may search the premises to locate the suspect and to protect the officer. Following an arrest, any further searching must be governed by the procedural rules for searches incident to arrest.
- b. Absent exigent circumstances or consent, a warrantless entry into an individual's home to arrest him for a violation of a non-jailable offense is a Fourth Amendment violation.

I. Crime Scene Searches.

1. Crime scene searches may fall into several types of warrantless searches, including:
 - a. Consent.
 - b. Plain view.
 - c. Search incident to arrest.
 - d. Exigent circumstances.
2. Officers should always consider seeking the advice of the State's Attorney's office for crime scene searches, particularly for residences where the suspect or offender has an expectation of privacy and exceptions to the search warrant requirement do not apply.

J. Searches of Property/Premises Involving No Reasonable Expectation of Privacy.

1. An officer lawfully in any place may, without a search warrant, recover and search for seizable items located in areas or in containers where there is no reasonable expectation of privacy, including the following:
 - a. Open fields.

- b. Abandoned Property.
- c. Trash containers as long as the user of the container has taken the final steps to dispose of its contents.
- 2. Areas immediately surrounding buildings and homes should not be considered "open fields." Instead, courts have tended to view these areas as "curtilage," or the equivalent of a yard, and they are presumed to be within the area where there is an expectation of privacy.
- 3. Areas generally outside the curtilage that are viewed as "open fields" include:
 - a. Woods.
 - b. Pastures.
 - c. Grasslands.
 - d. Waterways.
 - e. Open land not within curtilage.

If an owner has taken any steps to protect the above listed areas from trespass or observation; it may no longer be considered "open fields."

- 4. An officer without a search warrant may search for seizeable items on any premises based on the consent of a third party if a suspect no longer has the right of possession in the premises or to which the suspect has demonstrated his or her intention not to return.

K. K-9 Searches.

- 1. A K-9 shall not be used unless articulable, reasonable suspicion exists for the search. An FI card must be completed by the officer requesting the K-9 search. The K-9 handler shall also document the search by entering the required information into the Department's K-9 database.

L. Strip Searches.

- 1. Strip searches will be conducted strictly in conformance with the procedures listed in 725 ILCS 5/103-1, "Rights on Arrest", paragraphs C-G.
- 2. Strip search means having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments of the person.
- 3. No person arrested for a traffic, regulatory, or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is a reasonable belief that the person is concealing a weapon or a controlled substance.

- 4. Paragraphs C-G, 725 ILCS 5/103-1, require that:
 - a. A person of the same sex as the arrestee must conduct strip searches.
 - b. The search must be conducted in a place where the search cannot be observed by others.
 - c. Prior written authorization of a police command officer is obtained.
 - d. The Department's strip search report form must be completed. A copy of which must be provided to the person searched.
 - e. Body cavity searches, other than the mouth, require a warrant and physician supervision.

1.8.3 WARRANT SEARCHES

- A. If an officer concludes during an investigation that a search warrant may result in the recovery of evidence that may be lost or destroyed if there is a delay, the officer will, without unreasonable delay, present all available information to his or her supervisor. The supervisor will determine whether or not to seek a search warrant.
- B. The legal requirements for obtaining and serving search warrants can be found in 725 ILCS 5/108 et al.
 - 1. Upon written complaint under oath or affirmation which states sufficient facts for probable cause, and which particularly describes the place and/or person to be searched and the things to be seized, any judge may issue a search warrant for seizure of:
 - a. Things used in the commission of, or which may be evidence of, the offense for which the warrant is issued.
 - b. A kidnapping victim.
 - c. A human fetus or corpse.
 - 2. The following elements must appear upon the face of the search warrant for it to be valid on its face:
 - a. It must be issued by a judge.
 - b. It must be issued in duplicate. Oral or telephonic warrants are not authorized.
 - c. It may either be directed to all peace officers in the State of Illinois or to a specific person/officer.
 - d. It commands the directed person(s) to search a particular person or place.
 - e. It commands the seizure of particularly described things.

- f. It specifies the time and date of issuance. The warrant is valid for only 96 hours from the time of issuance.
- g. It must be signed by the judge with the title of his or her office.
- 3. The officer who obtained the warrant is responsible for the following:
 - a. Completing the "CPD Warrant Packet" and "CPD Threat Assessment for Warrant Service" documents and submitting them to their supervisor as soon as possible to allow for a thorough review.
 - b. Serving the search warrant only upon approval and direction of a supervisor.
 - c. Ensuring the warrant is served within 96 hours of issuance.
 - d. Making sure that only necessary and reasonable force is used to effect entry to the specified place to be searched.
 - e. Ensuring that only the property specified in the warrant is searched for.
 - f. Seizing only the items described in the warrant, or such other items as can be lawfully seized.
 - g. A duplicate copy of the warrant shall be left with any person from whom property has been seized, or left at the scene if no person is available.
 - h. A copy of the warrant complaint will not be provided or left at the scene.
 - i. The warrant return and a written inventory shall be made without unnecessary delay to the issuing judge or before any designated judge. The inventory must be prepared and signed under oath by the officer who obtained/served the warrant.
 - j. Complete an offense report explaining the circumstances surrounding the search and warrant service. A copy of the warrant, warrant return, and inventory must be included with the report.

C. Warrant Search of Premises.

1. Plan Preparation for Warrant Service.

- a. An on-duty supervisor shall be notified of a pending search.
- b. The supervisor in command of the search warrant shall be responsible for:
 - 1) Reviewing the search warrant for accuracy and validity prior to service of the warrant.

- 2) Review the "CPD Warrant Packet" and "CPD Threat Assessment for Warrant Service." If the Threat Assessment Score requires SWAT consultation as outlined in the "CPD Threat Assessment for Warrant Service," the supervisor shall consult with the SWAT Commander, SWAT Asst. Commander, SWAT Team Leader, or designee as soon as possible to allow for a thorough review.
- 3) Determining and identifying any hazards that may exist
- 4) Determining the number of personnel needed.
- 5) Determining equipment needs.
- 6) Discussing the service plan with all officers and ensuring that each officer understands his assignment. In most cases the service plan and assignments should be written.
- 7) Ensuring that all officers are wearing badges or other items identifying them as police officers and that these items are clearly displayed and easily recognizable.
- 8) Obtaining a sketch or floor plan of the premises to be searched, if possible.
- 9) Verifying the premises by address or description.
- 10) Making every reasonable effort to ensure that the correct premise is being entered.
- 11) Ensuring that all officers are wearing their Body Worn Cameras (BWC) in accordance with CPD's Body Camera and Mobile Video Recording policy (Policy Number 41.11) and all applicable law, including but not limited to Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act.
- 12) Ensuring that steps are taken to plan for children or other vulnerable people on-site. These steps should include but are not limited to the following: special considerations with the use of NFDD's and chemical munitions, having medical personnel staged, and designating a safe location to bring children or vulnerable people to while officers continue to secure the site.

2. Use of Force in Execution of Search Warrant.

- a. All necessary and reasonable force may be used to effect an entry into any building or property or part thereof to execute a search warrant.

- b. Preplanned "no knock" search warrants shall be authorized by a Deputy Chief or Chief of Police prior to presenting the search warrant to the court.
 - c. The court issuing a warrant may authorize the officer executing the warrant to make entry without first knocking and announcing his or her office if it finds, based upon a showing of specific facts, the existence of the following exigent circumstances:
 - 1) That the officer reasonably believes that if notice were given a weapon would be used:
 - i. against the officer executing the search warrant; or
 - ii. against another person.
 - 2) That if notice were given there is an imminent "danger" that evidence will be destroyed.
 - d. Prior to the issuance of a "no knock" warrant, the officer must attest that:
 - 1) Prior to entering the location described in the search warrant, a supervising officer will ensure that each participating member is assigned a body worn camera and is following policies and procedures in accordance with Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act; provided that the law enforcement agency has implemented body worn camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act.
 - 2) If a law enforcement agency or each participating member of a multi-jurisdictional team has not implemented a body camera in accordance with Section 10-15 of the Law Enforcement Officer-Worn Body Camera Act, the officer must attest that the interaction authorized by the warrant is otherwise recorded.
3. Search Warrant Service.
- a. The supervisor in charge of the warrant service shall coordinate the search with all other supervisors involved, particularly those within the District where the search is to occur.
 - b. The search team shall knock and announce its identity and purpose to the person(s) in apparent control of the premise to be searched unless the warrant authorizes a forcible no-knock entry. If it is unclear that anyone is present, the notice must be given in a manner likely to be heard by anyone who is present.
 - c. After knocking and announcing, the search team may use necessary and reasonable force to gain entry if they believe that admittance is being denied, unreasonably delayed, or that the premise is unoccupied.
 - d. If the search team has been compromised (i.e. they are seen approaching the premise and they have probable cause to believe that knocking and announcing would endanger the life or safety of any person), necessary and reasonable force may be used to gain entry without notice being given.
 - e. The search team shall enter the premise according to the predetermined plan.
 - f. The first person to enter the premise must be in an authorized police uniform.
 - g. When the initial entry is made other officers should be stationed where they can observe all possible exits. These officers should be in uniform or wearing clothing that readily identifies them as police officers.
 - h. The officer in charge of the search must read and provide a copy of the warrant to the resident or person from whom property has been seized. If no person is available the copy of the warrant shall be left at the place searched.
 - i. The search shall be conducted as quickly and thoroughly as possible.
 - j. Seizable items not described on the warrant may be seized if authorized by a recognized exception to the warrant requirement.
 - k. All evidence will be packaged separately by the officer responsible for collecting evidence. Each package will be marked to indicate who found the item and where the item was found. The seized item should be photographed or videotaped where it was located.
 - l. Officers shall determine the tenant of record for the premises searched.
 - m. Photographs or videotape should be taken of the interior/exterior of the premises.
4. Searching persons found on premises during the execution of a search warrant.
- a. A person's mere presence on private premises at which a search warrant is being executed does not give rise to probable cause to search that person, nor does it provide reasonable suspicion for a frisk.

- b. Searches of persons found on premises during the execution of a search warrant are permitted under the following circumstances:
 - 1) The person to be searched is named in the warrant;
 - 2) There is probable cause to believe the person is concealing an object on his person which is named in the warrant;
 - 3) There is reasonable suspicion that the person is armed and dangerous to officers (permitting a frisk);
 - 4) When probable cause exists for the arrest of the person; and
 - 5) The person has a "sufficient connection" to the residence.
 5. If it is discovered that an incorrect person, place, or vehicle has been searched, the supervisor in charge of the search shall:
 - a. Explain that the Police Department made an error and, if possible, explain why the error was made.
 - b. Apologize for any inconvenience.
 - c. Forward a copy of the offense report to the Chief of Police.
 - d. Immediately notify the supervisor of the Office of Professional Standards and forward all applicable offense reports and/or other documentation. The Office of Professional Standards shall conduct an internal investigation regarding the incident.
 - e. Notify the City's Risk Manager.
- D. Forcible Entry of Residence or Premise to Arrest a Person.
1. An officer may make a forcible entry into a residence or premises to arrest a person only if ALL of the following are true:
 - a. A felony arrest warrant for that person has been obtained.
 - b. There is probable cause to believe that the person is present.
 - c. The premise entered is the address listed on the arrest warrant.
 - d. All other methods of entry have been exhausted or exigent circumstances exist.
 2. Officers may make a "forcible" entry into a third party's residence or premises to arrest the subject of an arrest warrant only if a search warrant has been obtained.
 3. Cases of fresh pursuit or exigent circumstances could justify entering without an arrest warrant, a search warrant, or without consent. (See Warrantless Searches for these limited exceptions).
- E. Movable Vehicles Exceptions.
1. When special circumstances exist, a search warrant should be obtained before searching a vehicle in connection with an arrest.
 - a. A search warrant should be obtained when there is adequate time to obtain the warrant before the arrest of a suspect and it is anticipated that the target vehicle will be at the location where the arrest and search will occur.
 - b. A search warrant should be obtained when the target vehicle has come into police custody and can be readily secured while the warrant is sought and delaying the search will not be detrimental to the investigation.

ISSUING AUTHORITY:

Timothy T. Tyler

Timothy T. Tyler
Chief of Police
Champaign Police Department