
CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 1.8

SUBJECT: STOP, SEARCH, and WARRANT PROCEDURES EFFECTIVE DATE:10/01/09

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INDEX AS:

- 1.8.1 INVESTIGATORY DETENTIONS AND PROTECTIVE SEARCHES
- 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 a person's outer clothing for the sole purpose of discovering weapons.

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

Public Place: For the purposes of this policy, a public place is any area accessible to the general public, including streets, alleys, sidewalks, public transportation areas, and parks.

Reasonable Suspicion: Articulable facts, within the totality of the circumstances, that lead an officer to reasonably suspect 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 may 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 escape from custody.

Stop / Terry Stop: The brief detainment of a person, whether on foot or in a vehicle, based upon reasonable suspicion, to determine the person's identity and resolve 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 INVESTIGATORY DETENTIONS AND PROTECTIVE SEARCHES

- 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 limited to the 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 a 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 is "immediately apparent" to the officer based on their 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 contact with a person in any place where 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 themselves 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, detained, or frisked against their will without consent or appropriate legal justification (e.g., reasonable suspicion or probable cause). If there is no appropriate legal justification and the person refuses to consent, they must be allowed to proceed. However, if it seems appropriate under the circumstances, they may be kept under surveillance.

F. Stop Procedures

1. If an officer reasonably suspects a person has committed, is committing, or is about to commit a crime, they have the authority to stop and detain 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 the specific factors that led them to believe the stop was justified. Such facts include, but are not limited to, the following:
 - a. The demeanor of a person(s) suggests that they are part of a criminal enterprise or are engaged in a criminal act.
 - b. The person's actions suggest that they are engaged in criminal activity.
 - c. The time of the day or night is inappropriate for the person's presence in the area.
 - d. The person's presence in a neighborhood or location is inappropriate.
 - e. The person is carrying a suspicious object.
 - f. The person's clothing bulges in a manner that suggests they are carrying a weapon.
 - g. The person is in the vicinity of, and at the time of, an alleged crime.
 - h. The officer has knowledge of the person's prior criminal record or involvement in criminal activity.
 - i. The person flees upon seeing a police officer.
 - j. The officer's police training and experience.

G. Procedures for Initiating a Stop

1. Based on observations of suspicious circumstances or information from an investigation, an officer may initiate the stop of

a person if they have reasonable suspicion to do so. The following guidelines shall be followed:

- a. Explanation to the 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 themselves 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 other than those legally permissible for identification purposes 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 affect 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 a stopped person's outer garments for weapons or dangerous instruments when the officer reasonably suspects 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 conducted only for the purpose of protection. 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; however, the officer should place it out of the suspect's reach.

- b. Scope of search: The officer should begin the frisk at the 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 person in a public place shall provide a receipt for the stop, 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 on one of the recognized exceptions to the warrant requirement 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 of 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.

- a. Consent may be given either verbally or in writing.
- b. When body-worn camera recording is required or in use, officers shall obtain and document verbal consent on the recording whenever feasible. The recording shall clearly capture the request for consent and the individual's voluntary authorization.
- c. When body-worn camera recording is not feasible or unavailable, verbal consent should be witnessed by a third party when practicable.
- d. When body-worn camera recording is not feasible or unavailable, officers should, when practicable, obtain consent in writing or ensure that verbal consent is witnessed by a third party.

2. 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

consents to a search of their person, property, or residence under their 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 the parolee ruling.

search (whether or not on their body or on/in their clothing).

- 2) 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.

D. Seizable Items Found in Plain View

1. An officer lawfully in any place may, without obtaining a search warrant, seize any item that 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 enter other rooms solely for the purpose of searching 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 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 a person incident to arrest
 - a. A full-custody arrest is the taking of a person into physical custody to remove the arrestee from the place of arrest and transport them to a police department, to jail, or to court.
 - i. Whenever an officer makes a full-custody arrest of a person, they shall conduct a full warrantless search of the arrested person's clothing and the surface of their body in a manner designed to reveal the presence of seizable items.
 - ii. The officer may, at their discretion, also conduct a warrantless search of:
 - 1) The contents of items or containers within the area of the arrestee's immediate control at the time of the

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:
 - i. It is reasonable to believe evidence relevant to the crime of arrest might be found in the vehicle; or
 - ii. There is probable cause to believe a vehicle contains evidence of a crime; or
 - iii. There is reasonable suspicion to believe 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 Department policy for inventories of an arrestee's property, provided the officer reasonably expects the

arrestee will be detained in jail until a court appearance

could contain the seizable items may be searched without a warrant as long as:

F. Stop Followed by Citation or Notice to Appear

1. Persons charged with petty traffic violations or other petty offenses and other persons who are not placed under full-custody arrest should not be searched, nor should their vehicles. If, based on specific and articulable facts, the officer making the stop reasonably suspects that the person is armed and dangerous, they may frisk the person for weapons and search areas of the passenger compartment where a weapon could be concealed.

- i. The vehicle is in a public place.
- ii. The vehicle appears to be drivable.
- iii. The vehicle is occupied or has recently been occupied.
- iv. 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.

G. Moveable Vehicle Exception

1. Incident to Arrest

- a. The movable vehicle exception allows an officer to search the entire vehicle when they have probable cause to believe evidence may be located where they are looking.
 - i. If probable cause is limited to a specific area, the officer cannot extend the search beyond that area.
 - ii. This type of search should not be confused with a search incident to arrest, where the area of "immediate control" becomes a relevant 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 could include:
 - i. Hostile crowd
 - ii. Bad weather
 - iii. Heavy traffic
 - iv. Absence of needed equipment or keys
 - 1) 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 seizable items are in a vehicle, either locked or unlocked, all areas of the vehicle and any containers within the vehicle that

H. Exigent Circumstances and Fresh Pursuit

1. The exigent circumstances exception to the warrant requirement allows an officer to search without a warrant in situations where the officer recognizes a 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.
 - i. The gravity of the offense, particularly crimes of violence.
 - ii. A person is reasonably believed to be armed and dangerous.
 - iii. There is probable cause that the suspect committed the offense.
 - iv. There is a strong likelihood that the suspected person is on the premises.
 - v. the suspected person is likely to escape if not immediately apprehended.
 - vi. The circumstances of entry and time delay.
 - vii. The likelihood evidence will be lost, destroyed, or tampered with (Applicable to Non-Residential Premises Only).
 - viii. Immediate entry is necessary to prevent death or great bodily harm, or to render assistance to sick or injured within the premises (Any Premise).
 - ix. The reasonableness of police conduct.
2. Fresh pursuit occurs when officers take direct action to apprehend a person who is fleeing to avoid arrest.
 - a. An officer in fresh pursuit of a fleeing felony suspect may follow the person 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 them for a violation of a non-jailable offense constitutes 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, if 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." 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 may be considered "open fields" include woods, pastures, grasslands, waterways, and other undeveloped land not associated with the intimate activities of the home.
 - a. However, such areas shall not be considered open fields when the owner has taken clear and objective steps

demonstrating an expectation of privacy, including but not limited to:

- i. Fencing or physical barriers designed to exclude entry.
- ii. Clearly posted "No Trespassing" signage.
- iii. Locked gates or restricted access points.

- b. The presence of minimal or ambiguous barriers (e.g., isolated signage or incomplete fencing) shall be evaluated based on the totality of the circumstances, and officers should err on the side of obtaining a warrant when uncertainty exists.

- 4. An officer without a search warrant may search for seizable items on any premises based on the consent of a third party if the suspected person 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. Canine Narcotics Detection

- 1. A narcotic-detection trained canine (K-9) may be used in accordance with current law. The officer requesting the K-9 search must ensure all required reporting is completed. 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 accordance with the procedures outlined 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 their clothing 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 shall be strip searched unless there is a reasonable belief that the person is concealing a weapon or controlled substance.
 - a. For felony arrests, a strip search shall not be conducted absent specific, articulable facts establishing a reasonable belief that the person is concealing a weapon, contraband, or evidence.
 - b. The nature of the offense alone does not, by itself, justify a strip search.

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 location where it cannot be observed by others.
 - c. Prior written authorization is obtained from a police command officer.
 - 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.
 - f. It specifies the time and date of the 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 their office.
3. The officer who obtained the warrant is responsible for the following:
 - a. For pre-planned warrants, complete the "CPD Warrant Packet" and "CPD Threat Assessment for Warrant Service" documents and submit 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 search warrant is served within 96 hours of issuance.
 - d. Ensuring that only necessary and reasonable force is used to effect entry into the specified place to be searched.
 - e. Ensuring that only the property specified in the search warrant is sought during the service.
 - f. Seizing only the items described in the search warrant, or such other items as can be lawfully seized.
 - g. A duplicate copy of the search 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 search warrant complaint will not be provided or left at the scene.
 - i. The search 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 a Public Safety Record Management System (PSRMS) incident report explaining the circumstances surrounding the search and warrant service. A copy of the search warrant, search warrant return, and inventory must be included with the report.

1.8.3 WARRANT SEARCHES

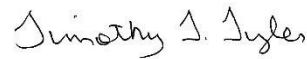
- A. If an officer concludes, during an investigation, a search warrant may result in the recovery of evidence that may be lost or destroyed if there is a delay, the officer will, without unreasonable delay, present all available information to their supervisor. The supervisor will determine whether or not to seek a search warrant.
- B. The legal requirements for obtaining and serving search warrants are found in 725 ILCS 5/108 et seq.
 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 authorizes the seizure of specifically described items.
- 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:
- i. Reviewing the search warrant for accuracy and validity before serving it.
 - ii. 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, the Assistant SWAT Commander, the SWAT Team Leader, or their designee as soon as possible to facilitate a thorough review.
 - iii. Determining and identifying any hazards that may exist.
 - iv. Determining the number of personnel needed.
 - v. Determining equipment needs.
 - vi. An operational plan, including personnel assignments, shall be documented in writing for all pre-planned search warrant operations. This requirement does not apply when a scene is already secure and the purpose of the warrant is limited to evidentiary processing, such as searches conducted by the Investigations Unit or Crime Scene Unit.
 - 1) In exigent or rapidly evolving circumstances where a written plan is not feasible, the supervisor in command of the operation shall ensure a verbal briefing is conducted.
 - vii. Ensuring all officers wear badges or other items that clearly identify them as police officers and are easily recognizable.
 - viii. Obtaining a sketch or floor plan of the premises to be searched, if possible.
 - ix. Verifying the premises by address or description.
 - x. Making every reasonable effort to ensure that the correct premises are entered.
 - xi. Ensuring that all officers wear their Body-Worn Cameras (BWC) in accordance with Department policy (40.1, Body Worn Cameras) and all applicable laws, including but not limited to Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act.
- xii. Ensuring 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 Noise Flash Diversionary Devices (NFDDs) 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 entry into any building, property, or part thereof to execute a search warrant.
 - b. Preplanned "no knock" search warrants shall be authorized by a Deputy Chief or Police Chief 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:
 - i. the officer reasonably believes if notice were given, a weapon would be used:
 - 1) against the officer executing the search warrant, or
 - 2) against another person.
 - d. If notice were given, there is an imminent "danger" that evidence would be destroyed.
 - e. Prior to the issuance of a "no knock" warrant, the officer must attest that before entering the location described in the search warrant, a supervising officer will ensure that each participating officer is assigned a BWC and is following policies and procedures in accordance with Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act.
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 premises to be

- searched, unless the warrant authorizes a forcible entry without knocking. 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 the premise is unoccupied.
 - d. If the search team is compromised (e.g., their presence is detected prior to entry), officers may proceed without complying with the knock-and-announce requirement only when specific, articulable facts establish that compliance would create an immediate and substantial risk of:
 - i. Death or serious bodily harm to officers or others; or
 - ii. The imminent destruction of evidence.
 - 1) The justification to proceed without knock-and-announce under these circumstances shall be based on the totality of the circumstances and must not rely solely on generalized assumptions or the mere fact that officers have been observed.
 - 2) The mere detection or observation of officers approaching the premises, standing alone, does not justify proceeding without compliance with a knock-and-announce requirement.
 - 3) When entry is made without prior announcement under this provision, the officer in charge shall ensure that the specific facts and circumstances supporting the exigency are thoroughly documented in the appropriate report(s).
 - e. The search team shall enter the premises in accordance with the predetermined plan.
 - f. The first person to enter the premises 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 search warrant to the resident or person from whom property has been seized. If no person is available, the copy of the search 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 in the search warrant may be seized if authorized by a recognized exception to the search warrant requirements.
 - 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 at the location where it was found.
 - l. Officers shall determine the tenant of record for the premises searched.
 - m. Photographs or video 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 where 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. A search of a person(s) found on premises during the execution of a search warrant are permitted under the following circumstances:
 - i. The person to be searched is named in the warrant.
 - ii. There is probable cause to believe the person is concealing an object on his person, which is named in the warrant.
 - iii. There is reasonable suspicion that the person is armed and poses a danger to officers, permitting a frisk.
 - iv. When probable cause exists for the arrest of the person.
 - v. The person has a "sufficient connection" to the residence.
 5. If it is discovered an incorrect person, place, or vehicle has been searched, the supervisor in charge of the search shall:
 - a. Explain that the Department made an error and, if possible, provide an explanation for the error.
 - b. Apologize for any inconvenience.

- c. Notify the Police Chief and forward a copy of the offense report.
- d. Notify the Assistant to the Police Chief for Community Services (public information officer).
- e. Immediately notify the Office of Professional Standards and forward all applicable offense reports and any other relevant documentation. The Office of Professional Standards shall conduct an internal investigation regarding the incident.
- f. Notify the City's Risk Manager.

ISSUING AUTHORITY:



Timothy T. Tyler
 Police Chief
 Champaign Police Department

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 the following are true:
 - a. A felony arrest warrant for that person has been obtained.
 - b. There is probable cause to believe the person is present.
 - c. The premise to be 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 may justify entering without an arrest warrant, a search warrant, or 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 sufficient 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.