



A handwritten signature in black ink, appearing to be "A. H.", is written over a horizontal line.

POLICY

It is the policy of the Douglas County Sheriff's Office (DCSO) that forced entry is generally used as a last resort tactic in situations that require the immediate apprehension or entry to protect life in exigent circumstances.

I. Authorization for Forced Entry

- A. Forced entry is a dangerous tactic that can increase the risk of injury or death to Deputies, suspects/victims, and bystanders. When using forced entry, Deputies will consider the danger to themselves and others, and weigh those dangers against the necessity of immediate apprehension.

1. In all forced entry situations, the use of alternatives will be considered first when reasonable (e.g. consent, use of a key, open/ unlocked window, removing a screen, etc.).

B. Legal Authority

1. In accordance with NSS §29-411 Deputies may use force to open the outer or inner door or window of a dwelling or other building when executing an arrest or search warrant, or making a warrantless felony arrest after giving notice of the Deputy's presence and purpose except when the warrant specifies that no notice is required.
2. In the absence of a warrant, Deputies must have probable cause to believe the subject is in the building AND exigent circumstances must exist. Such exigent circumstances include:
 - a. Situations in which lives are threatened (this includes non-criminal medical emergencies).
 - b. A suspect's escape is imminent.

-OR-

 - c. Evidence is about to be destroyed.
3. Deputies may be authorized to utilize forced entry in non-criminal instances such as death investigations if there are no other reasonable alternatives available.

C. Authorization for Forced Entry

1. Permission to use forcible entry must be given by a Supervisor or other Command Officer except in exigent circumstances. Exigent circumstances include:
 - a. Circumstances in which a delay while obtaining approval for forced entry would needlessly endanger the public, victims/witnesses, Deputies, other law enforcement officers, and/or the subject/fugitive being sought.

- b. Life threatening and immediate circumstances that prevent Deputies on the scene from obtaining prior approval.
- 3. In all other circumstances, the approving Supervisor or Command Officer will consider the following risks before granting permission:
 - a. The risk to the public if the fugitive is not immediately apprehended.
 - b. The danger to Deputies and other law enforcement officers during the forced entry.
 - c. The risk to bystanders or other occupants of the building or residence from the forced entry and from the actions of the fugitive in response to the entry.
 - d. The risk that forced entry will escalate into a barricade or hostage situation.
- 4. Authorization for forced entry may be authorized in the following circumstances:
 - a. High-Grade Felony Warrant
 - (1) Forced entry is authorized for fugitives wanted on high-grade felony warrants when the original charge is for a high-grade felony. High grade felonies include violent offenses against persons such as:
 - (a) Robbery.
 - (b) Sexual Assault.
 - (c) Murder.
 - (d) Kidnapping.
 - (e) Other violent felonies when the fugitive has a lengthy criminal history involving crimes of violence.
 - b. Search Warrants (Members will refer to the DCSO "Search and Seizure" policy for search warrant procedures)
 - (1) When executing search warrants, forced entry may only be used based on criteria set forth in the warrant.
 - (2) Knock and Announce Search Warrants
 - (a) A reasonable period of time must pass after announcing the Deputies' presence and the intention to serve the warrant that would allow someone in the structure to open the door.
 - (b) If access is not granted after the reasonable time frame has past forced entry may be used to access the structure.
 - (3) No Knock Search Warrants
 - (a) No knock search warrants do not require that occupants of a structure be alerted prior to making forced entry.

- (b) Once entry has been gained Deputies will still announce their presence by repeatedly stating, " Sheriff/Police search warrant."
 - (c) Less forcible means of entry (e.g., consent, obtaining keys, looking for unlocked doors etc.) should still be considered based on circumstances and sound tactics.
- (4) With regard to third party dwellings, if consent is not given, a search warrant is necessary to enter and search for a person wanted on a warrant with the following exceptions:
 - (a) BMH Orders.
 - (b) Situations in which probable cause and exigency exist in accordance with this policy (e.g., immediate custody orders in which the juveniles are in dangerous abuse and/or neglect situations).
- c. Misdemeanor Domestic Violence Warrants
 - (1) Forced entry for domestic violence warrants may be authorized on a case-by-case basis.
- d. Forced entry for misdemeanor warrants (other than domestic violence) and lower-grade felony warrants for non-violent or property crimes is generally not authorized.
- e. Protection Orders (see the DCSO "Protection Orders" policy for procedures regarding Protection Orders)
 - (1) Forced entry during the service of Protection Orders may only be used under very narrow circumstances.
 - (2) Protection Orders require the personal service of the order before a respondent can be in violation of a Protection Order, even if the Deputy encounters the respondent in a residence in which they are prohibited from by the order.
 - (a) Deputies cannot utilize forced entry to access a respondent solely because the respondent has gone into a building restricted by the order when the order has not yet been served to the respondent.
 - (b) If the respondent was present at a show-cause hearing, the respondent's presence is considered notice of the final protection order. In these cases, the respondent is considered to have been personally served with the order.
 - (3) Deputies will adhere to the same limitations for forced entry as in criminal scenarios. Specifically, the Deputy must have:
 - (a) A warrant.
 - OR-
 - (b) Probable cause AND exigent circumstances.

- f. Board of Mental Health Orders (see the DCSO “Behavioral Health Crisis Response” policy for Board of Mental Health procedures)
 - (1) Forcible entry is authorized when executing Board of Mental Health Orders.
 - (2) To qualify for emergency committal by a Board of Mental Health Order, a person must have been designated as a mentally ill and dangerous person as defined by NSS §71-908 by the county attorney. Issuance of a BMH Order means that immediate custody is necessary.
- g. Order for Immediate Custody
 - (1) An Order for Immediate Custody is issued by the Douglas County Juvenile Court for juveniles who are failing to comply with court orders, or for children deemed to be in abuse and/or neglect situations.
 - (2) The need for forcible entry will be determined on a case by case basis based on the immediate danger to the juveniles and the exigency of the situation.
- h. Medical Emergencies/Death Investigations
 - (1) Deputies may be authorized to utilize forced entry when responding to medical emergencies or when conducting death investigations.
 - (2) The need for forced entry will be determined on a case by case basis based on the exigency of the circumstances and whether there are other alternatives available.

II. Forced Entry Procedures – Non-Exigent Circumstances

- A. If the situation involves the execution of a warrant or order, Deputies will verify the information on the warrant or order and establish probable cause or actual verification that the subject of the warrant/order is in the building or residence.
 - 1. Deputies will adhere to procedures in the following policies when executing warrants/orders:
 - a. Arrest Warrants - “Arrests” policy.
 - b. Search Warrants - “Search and Seizure” policy.
 - c. Board of Mental Health Orders - “Behavioral Health Crisis Response” policy.
 - d. Protection Orders - “Protection Orders” policy.
 - e. Civil Proceeds Orders - “Civil Process” policy.
- B. Deputies will first evaluate whether less forcible means are available (e.g., consent, asking an apartment complex manager for a key, contacting the next of kin, etc.).
- C. If the Deputy believes that the situation meets the criteria for the use of forced entry, the Deputy will receive authorization in accordance with this policy.

1. The authorizing Supervisor or Command Officer may determine that the Deputy will wait until he/she or back-up Deputies have arrived at the scene prior to forcing entry.
 2. If the Deputy is forcing entry at a location outside of Douglas County the law enforcement agency having jurisdiction will be notified.
- D. The Deputy will clear the air for emergency radio traffic if not using an event channel.
- E. Deputies will wear body armor with their identification displayed during the forced entry.
- F. Deputies will use the least damaging practical method of entry.
- G. When applicable, Deputies will clearly knock, announce, and identify themselves with a visual display of their identification and badge and a clear verbal announcement of the Deputy's intention.
1. Deputies will continually identify themselves by announcement during the forced entry and until the scene is secure.
- H. Deputies will resume normal air traffic when the scene is secure.

III. Forced Entry Procedures – Exigent Circumstances

- A. Deputies who must use forced entry in exigent circumstances will rely on training, experience, and judgment when employing forcible entry in such circumstances.
- B. Deputies will adhere to all applicable DCSO policies and procedures during the incident.
- C. If a Supervisor or Command Officer is not on the scene, Deputies will advise him or her as soon as possible.

IV. Documentation of Potential Liability

- A. In all forced entry situations, the damage caused by the forced entry will be photographed.
1. Deputies or FSD will take such photos as well as any additional photos required to document evidence or any unusual circumstances.
- B. Deputies will secure the property and notify the owner of the forced entry.
1. If the owner is not present, Deputies will attempt to contact the owner or a representative.
 2. Deputies will advise him/her that a claim for damages must be made to Douglas County via a tort claim, filed with the Douglas County Clerk/ Comptroller.
 3. If the Deputy is unable to make contact, the Deputy will leave a note card with the Deputy's contact information.
- C. Damage will be documented and reported in accordance with the DCSO "Liability – Reporting/Notification" policy.

REFERENCES

I. Laws

A. Nebraska State Statute §29-411.

II. DCSO Orders

A. Previous DCSO General Orders include: #40-2023, #73-2019, and #5-2011.

III. Review Schedule

A. Quadrennial.