



# Tulsa Police Department

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**Policy #** 106B

**Effective Date** 05/30/2024

**Policy Name** Arrest Warrants/Forcible Entry

**Approved Date** 05/29/2024

**Approved by** *Wendell Franklin, Chief of Police*

**Previous Date** 07/24/2020

## PURPOSE OF CHANGE:

Updated in accordance with Oklahoma law and technology.

## POLICY:

Every effort should be made to serve an arrest warrant without resorting to forcible entry. Only in rare circumstances should an officer force entry to serve an arrest warrant for a misdemeanor traffic offense such as no tag, no insurance, etc.

If after observing the following procedures an officer has an objectively reasonable belief, in light of the totality of the circumstances, that 1) the residence to be entered is that of the subject of the arrest warrant and 2) the subject of the arrest warrant is within the residence at the time of entry and determines that forcible entry is necessary, the officer may break open an inner or outer door or window to search for the wanted person.

The officer's factual knowledge that a wanted subject is within a third-party residence is not in and of itself sufficient legal grounds to make a forcible entry into that residence. The officer should attempt to gain the owner's consent as an essential course of action when exigent circumstances do not exist.

The service of all arrest warrants must comply with the procedures outlined in 106A, Arrests Warrants.

**SUMMARY:** Procedures for using forcible entry when serving an arrest warrant.

**APPLIES TO:** All sworn personnel.

## DEFINITIONS:

**RESIDENCE OR DWELLING HOUSE** – includes every house or edifice, any part of which is usually occupied by any person lodging therein and any structure joined to and immediately connected to such house or edifice.

**FIRST-PARTY RESIDENCE** – a residence where, under the totality of the circumstances, the officer has reason to believe the suspect of the arrest warrant either resides or has common authority. This may or may not be the same address on the arrest warrant.

**THIRD-PARTY RESIDENCE** – a residence where the officer has no reason to believe the subject of the arrest warrant resides.

## PROCEDURES:

1. Prior to making forcible entry, an officer must have a reasonable belief both that the subject resides at the location and that the subject is present at the location at the time of entry. The officer must:
  - a. Research the wanted subject and the residence location to determine that it is the First-Party Residence of the wanted subject. Resources used to make this determination include, but are not limited to: Records search,

DPS returns for the subject or vehicles, utilities, surveillance, knowledge from other officers, statements from witnesses and/or informants, social media posts, or mail. Although the address on the arrest warrant may be considered as part of the determination, it shall not be the sole source of information for the First-Party Residence determination.

- b. Have reason to believe the suspect is inside the residence or other structure.
- c. Confirm the warrant is valid before forcing entry.
- d. The officer must show a copy of the warrant to the subject within a reasonable time of the arrest if requested.
- e. Advise a supervisor of the circumstances prior to making entry when exigent circumstances do not exist.
- f. The facts and sources used to provide the officer's reasonable belief regarding the First-Party Residence and that the suspect is inside the residence shall be documented in either an Incident Report or Field Interview Report (FIR) and in the Blue Team report related to the forced entry.

2. An officer may not enter a Third-Party residence without consent, exigent circumstances, or a search warrant.

3. Prior to entry, an officer must announce in a clear manner, that is audible to anyone inside the premises about to be entered, the officer's identity, presence, and that they are acting on the authority of an arrest warrant. The officer must also allow a reasonable amount of time for the person(s) inside to open the door.
4. Ensure at least one uniformed officer is present and visible.
5. Make entry in a reasonable manner that produces the least amount of damage to the property while ensuring officer safety.
6. At the conclusion of the service of the arrest warrant, officers shall secure the premises. The scene supervisor will be responsible for supplying the necessary equipment and materials to secure the premises.
7. When the premises cannot be secured, and the arrestee is the owner or resident, they should be afforded the opportunity to contact a person of their choice to care for the property as soon as possible.
8. When property damage occurs during forced entry, the scene supervisor will submit a Blue Team "Property Issue" entry through their chain of command to the Bureau Deputy Chief, and cc their Division Administrative Captain.

## **REGULATIONS:**

1. At least one uniformed officer shall be present and visible during the service of an arrest warrant where forcible entry is required.
2. All police personnel shall wear body armor during the service of an arrest warrant where a forcible entry is required.
3. All officers assisting during the service of an arrest warrant where forcible entry is required shall wear clothing that ensures they are readily identifiable as police officers and have a holster that allows them to secure their weapon with a single hand.
4. Officers shall not make forcible entry into a Third-Party Residence without lawful authority (e.g., when there is voluntary consent from a person who has authority over the residence, when exigent circumstances exist or under the authority of a search warrant) to make a routine felony arrest.
5. Each time an officer attempts to serve an arrest warrant but is unable to make an arrest, an FIR will be completed, and the officer will notify a warrants clerk either by phone or radio and provide the following information:
  - a. Date and time service was attempted.
  - b. Name of officer(s) attempting service.

- c. Name of person on whom service was attempted.
- d. Reason for nonservice (e.g., suspect no longer at address).
- e. Address of attempted service.

6. Uniform division equipment officers shall be responsible for obtaining the materials and equipment necessary from the City of Tulsa Building Maintenance Section for securing a scene and shall store them in a readily available location at the uniform divisions for use when needed.

**REFERENCES:**

106A, *Arrest Warrants*

106C, *Search Warrants*

106D, *Warrantless Forcible Entry to Render Aid*