



Tulsa Police Department

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Policy # 106D

Effective Date 11/30/2016

Policy Name Warrantless Forcible Entry to Render Aid

Approved Date 11/29/2016

Approved by *Wendell Franklin, Chief of Police*

Previous Date 02/17/2014

PURPOSE OF CHANGE:

To update policy format.

POLICY:

The Tulsa Police Department is frequently contacted by friends, relatives, or other persons who believe a person may be injured or ill within a private residence. When an officer faces a situation where there are exigent circumstances, it may be necessary to forcibly enter the residence in order to provide aid. Courts generally recognize such an entry is permissible if the officer has a reasonable belief a person inside requires assistance. Consistent with these rulings and after observing the following procedures, officers may break open a door or window to provide necessary aid. Every effort should be made to ascertain the condition of the person without resorting to forcible entry. If it becomes necessary to force entry, it should be done in a manner which produces the least amount of damage.

Certain exigent circumstances may necessitate immediate entry to provide emergency aid. These may include times when an occupant requests police assistance, indications of distress are heard, or other indications that immediate action is necessary to prevent further injury or loss of life.

SUMMARY: Procedures when forcible entry is necessary to check on the well-being of a citizen or render aid.

APPLIES TO: All police personnel

DEFINITIONS:

EXIGENT CIRCUMSTANCES – situations that demand unusual or immediate action. In relation to justification for warrantless search, “exigent circumstance” refers generally to those situations in which law enforcement agents will be unable or unlikely to affect a search for which probable cause exists unless they act swiftly and without seeking prior judicial authorization.

PROCEDURES:

1. Officers should determine the following information from any available source:
 - a. The length of time the person has been out of contact with friends and family.
 - b. Any medical or mental condition which could account for the lack of contact.
 - c. The person's age and/or any other information which could explain the nature of the problem and lack of contact.
 - d. Any previous instances where the person has failed to contact friends and relatives for a sustained length of time.
 - e. Any person who has access to the residence who could grant entry within a reasonable amount of time under the circumstances.
 - f. If there have been earlier calls to the residence.

2. Unless time and circumstances do not allow, officers will contact and advise a supervisor of the situation prior to making entry. Otherwise, officers will notify a supervisor immediately after making entry and rendering aid.
3. Upon being advised that forcible entry may be necessary or has been made, a supervisor will proceed to the scene.
4. The supervisor will confirm the above steps have been taken and examine the facts to determine the reasonableness of the belief the person inside needs/needed immediate aid.
5. If a supervisor authorizes entry, entry will be made in the least destructive manner possible.
6. At the conclusion of the forced entry, officers shall secure the premises. The supervisor is responsible for supplying the necessary equipment and materials to secure the premises.
7. Uniform division equipment officers shall be responsible for obtaining the materials and equipment necessary to secure a scene from the City of Tulsa Building Maintenance Section and shall store them in a readily available location at the uniform divisions for use when needed.
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, and the TPD Legal Advisor.

REGULATIONS:

1. A supervisor's approval is required prior to making forced entry unless time and circumstances do not allow.
2. At least one uniformed officer shall be present and visible during forcible entry.

REFERENCES:

106C, *Search Warrants*