

 NORFOLK Department of Police	Operational General Order - 150: Forced Entry		
	Office of Preparation: Strategic Management Division (wdp)		
	CALEA:	None	
	VLEPSC:	None	
LEGAL REVIEW DATE:	<i>October 6, 2015</i>	PRESCRIBED DATE:	<i>10/15/15</i>
City Attorney:	<i>Wayne King</i>	City Manager/Director of Public Safety:	<i>Mark D...</i>
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>[Signature]</i>	

Purpose

The purpose of this order is to outline procedures and guidelines when force is used to gain entry into any premises. The term "Premises" may include any residential or commercial structure, vehicle or vessel.

Policy

Forced entry will be authorized during the performance of official police duties when all other reasonable alternative means of entry have been exhausted, exigent circumstances exist, or with the issuance of a valid search warrant.

Supersedes:

1. G.O. OPR-150, dated July 31, 2009
2. Any previously issued directive conflicting with this order

Order Contents:

- I. Forced Entry - Arrest Warrant
- II. Forced Entry - Search Warrant
- III. Forced Entry - Exigent Circumstances
- IV. Immediate Forced Entry
- V. Procedures

I. Forced Entry - Arrest Warrant

A. Forced entry is authorized in the execution of a confirmed felony arrest warrant when **all** of the following conditions exist:

1. The officer has probable cause to believe that the person named on a felony arrest warrant is upon the premises, and either
 - a. The person named in the arrest warrant currently resides at the premises, or
 - b. The person named in the arrest warrant does not reside at the premises, and exigent circumstances as outlined in Section III. of this order exist, precluding a reasonable opportunity to obtain a search warrant for the premises.
2. Entry is refused or there is no response to the police request for entry, or the occupants refuse to comply with other police request.

B. Forced entry is authorized in the execution of a misdemeanor arrest warrant when **all** of the following conditions exist:

1. The officer has possession of the misdemeanor arrest warrant.
2. The warrant is marked for execution by arresting the accused, as opposed to issuing a summons to the accused.
3. The officer has probable cause to believe that the person named on the misdemeanor arrest warrant is on the premises and:
 - a. Entry is refused or there is no response to police request for entry.
 - b. The address of the premises to be entered is the same as the address listed on the misdemeanor arrest warrant.

II. Forced Entry – Search Warrant

Forced entry is authorized in the execution of a search warrant after the following procedures have been completed (See G.O. OPR-428: Search Warrants):

1. Knock and announce police authority and purpose.
2. Wait a reasonable amount of time for the occupant to respond, **and**
3. No response has been received from the occupant.

III. Forced Entry – Exigent Circumstances

A. Forced entry is authorized under the following exigent circumstances:

1. Hot Pursuit – When pursuing suspect(s) for:

a. Felony Offenses

i. When the suspect(s) has committed, is about to commit or is committing a felony in the officer's presence.

ii. When the officer has probable cause to believe that the suspect(s) has committed a felony, not in the officer's presence.

iii. When the officer is attempting to execute a felony arrest warrant.

b. Misdemeanor Offenses

i. When the suspect(s) is committing a misdemeanor in the officer's presence.

ii. When the officer is attempting to execute a misdemeanor arrest warrant in his/her possession.

iii. When the officer is authorized by Virginia Code §19.2-81 or §19.2-81.3 to make a warrantless misdemeanor arrest.

2. To prevent criminal acts against citizens or to rescue citizens endangered by fire, smoke, or other threats to their safety.

3. When a reasonable belief exists that a person is in need of immediate medical assistance.

B. Court orders of a civil nature, regardless of title, do not justify forced entry. Only if exigent circumstances as cited in this section are present can a forced entry be executed.

IV. Immediate Forced Entry

A. An officer may make an immediate entry if the situation otherwise justifies a forced entry, as outlined in Sections I., II., or III. above, and the officer has probable cause to believe that an announcement of the officer's presence and statement of purpose would result in:

1. The escape of the person to be arrested or searched.

2. The destruction of evidence.

3. Increased peril of bodily harm either to the officer or others.
- B. The officer must have probable cause to support the immediate entry prior to making such entry. The mere suspicion that one of the circumstances listed in Section IV.A., above, might happen is not sufficient to justify an immediate entry. Once entry is initiated, the participating officers will immediately announce their identity and state the purpose for their entry.

V. Procedures

- A. A supervisor will be present before forced entry is made, unless exigent circumstances as outlined in Section III exist. Supervisors will be notified as soon as reasonably possible after a forced entry necessitated by such exigent circumstances.
- B. Except in situations appropriate for an immediate entry, officers seeking entry will announce their presence, identify themselves as police officers, state their purpose, and allow sufficient time for a response before forcible entry is attempted. Officers making entry will prominently display police markings on their equipment that will identify them as police officers.
- C. Forced entry will be accomplished in as courteous and non-destructive a manner as reasonably possible under the circumstances.
- D. Prior to departure from the scene where forced entry has been made, the officer-in-charge will be responsible for protecting the premises until it can be secured or turned over to another responsible party.
- E. A Special Incident Report, will be completed via the Electronic Reporting System for each forced entry.

Related Documents

1. G.O. OPR-140: Special Incidents
2. G.O. OPR-145: Electronic Reporting System
3. G.O. OPR-428: Search Warrants