



OPERATIONS ORDER

Forced Entry

Purpose and Scope

This Operations Order establishes guidelines on when to use forced entry and what follow up action is necessary subsequent to a forced entry. For purposes of this Order, forced entry refers to the technique(s) used to enter a residence or other structure when normal means of entry are locked and/or blocked.

Affected Personnel

All current armed officers as well as Supervisors, Watch Commanders, and Managers overseeing armed officers.

Authority

Administrative Directive
California Penal Code
Case Law

Effective Date

April 1, 2016: Two months following the conclusion of the forced entry training period.

I. Guidelines

Community safety and offender accountability are core values of the Sacramento County Probation Department. Probation officers conduct home visits, probation searches, and arrests. Circumstances can arise during the execution of field operations which may require the forced entry into any exterior entrance or interior door of a residence or other structure. The law permits probation officers to make forced entry into dwellings in order to make arrests, execute search warrants, and conduct searches.

In cases where forced entry is required to safeguard the community by apprehending an offender, officers should consider the gravity and circumstances of the intended arrest and/or search when deciding to use forced entry. Officers shall have reasonable grounds to believe the person(s) to be arrested are actually inside at the time of entry.

II. Definitions

A. For purposes of this order, resistance is defined as an act which an officer reasonably believes is intended to prevent entry.

B. For purposes of this order, forced entry includes the following:

1. The forcible breach of an exterior entrance or interior door;
2. The application of force to push open an exterior entrance or interior door that is already ajar in order to overcome resistance.

C. For purposes of this order, forced entry does not include:

1. Pushing open an exterior entrance or interior door that is already ajar without meeting resistance;
2. The opening of an unlocked exterior and/or interior door;
3. The opening of an unlocked gate that provides the only access to the primary entrance of the residence;
4. The opening of any door pursuant to the occupant's consent; or
5. The use of a key to gain entry into a locked exterior or interior door.

III. Training

All armed officers, as well as Supervisors, Watch Commanders, and Managers shall complete Departmental Forced Entry training prior to participating in, reviewing or authorizing any forced entry.

IV. Parameters for Forced Entry

A. Forced entry shall only be used by officers who have completed Departmental forced entry training.

B. Officers are permitted to utilize forced entry if one of the following conditions exists and is executed in compliance with Penal Code Sections 844¹ and 1531²:

1. The forced entry is made pursuant to a written operational plan, including a Threat Assessment Checklist, approved in advance by a Watch Commander or above;
2. Officers encounter an interior door that requires forced entry;
3. Officers encounter a locked gate that requires forced entry;
4. Officers encounter an exterior entrance or interior door that is already ajar and must use force to push it open to overcome resistance;
5. The forced entry is made to respond to an imminent threat of harm to human life, as per established case law.

¹ Penal Code § 844 - To make an arrest, a private person, if the offense is a felony, and in all cases a peace officer, may break open the door or window of the house in which the person to be arrested is, or in which they have reasonable grounds for believing the person to be, after having demanded admittance and explained the purpose for which admittance is desired.

² Penal Code § 1531 - The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

- C. With the exception of forced entry in response to an imminent threat of harm to human life, once one or more of the above conditions exist, officers utilizing forced entry shall:
 - 1. Conduct a knock and notice requirement, announcing their presence and identifying themselves as peace officers; and
 - 2. Announce their purpose, demand entry, and wait a reasonable amount of time for compliance which may vary with the circumstances presented.
- D. After a reasonable amount of time, or if there is specific conduct or verbal statements by the subject indicating refusal to allow entry, officers may force entry to gain admittance.

V. Use of a Breaching Tool

- A. The departmental breaching tool shall be made available to any operation that may require forced entry that has a written operational plan including a threat assessment checklist and has prior approval from a watch commander or above. Approval shall weigh the necessity of forced entry against potential risk of harm to officers and others.
- B. Department-approved breaching tools shall be stored in the armory or in the office of a Watch Commander.
 - 1. When using a Department-approved breaching tool, the officer taking the tool shall sign a log documenting his/her name, the date, and time the tool is taken and returned.
 - 2. Department-approved breaching tools shall be returned to the same storage location as soon as practicable.
- C. Officers shall notify the jurisdictional law enforcement agency prior to performing a planned operation involving the use of a breaching tool.

VI. Action Subsequent to Forced Entry

- A. The following actions shall be performed subsequent to a forced entry:
 - 1. The officer(s) involved shall not admit any responsibility for loss/damage.
 - 2. If forced entry was made, verbal notification, via personal contact, shall be made to a Watch Commander or above as soon as reasonably practicable.
 - 3. A digital photograph of any damage shall be taken using a department-issued camera. Personal cameras or cellular telephones shall not be used.
 - 4. Any damage to property as a result of entry into the premises or subsequent search shall require a County of Sacramento Risk and Loss Control Division card be left with the homeowner or responsible party.

The card outlines the process by which the homeowner can submit a claim to the Risk and Loss Control Division.

5. If entry is forced and the residence is left unoccupied, the officer(s) shall, to the best of their ability, secure the residence where the forced entry occurred.

VII. Reporting Requirements

A. Any forced entry, other than in training, shall be documented in a Field Services Event Report (FSER) and submitted to the officer's supervisor by the next business day, unless otherwise authorized by the supervisor or his/her designee.

1. The following information shall be included in the FSER:

- a. Date, time, and location of the incident;
- b. Circumstances justifying the forced entry as well as the time and name of the person notified subsequent to the forced entry;
- c. Description of the tool used to perform the forced entry;
- d. Information regarding any property loss/damage;
- e. Whether or not the suspect(s) were located and subsequently arrested; and
- f. Whether anyone sustained injury.

B. A forced entry may also be documented in an appropriate arrest/offense report and submitted to the officer's supervisor by the next business day, unless otherwise authorized by the supervisor or his/her designee.

C. Photographs taken of any damage shall be attached to the report(s).

D. Upon request, the report(s) shall be redacted, as appropriate, and forwarded to the Risk and Loss Control Division.

VIII. Multi-Agency Teams

All employees shall follow Departmental policy unless assigned to and working with a multi-agency team with an existing Memorandum of Understanding (MOU) that requires participation in that agency's policy and procedures.

Attachments: Threat Assessment Checklist
County of Sacramento Risk and Loss Control Division Card

Amends/Replaces Previous Order Dated: New Operations Order. This Order supersedes any prior Departmental policy associated with Forced Entry.

Authorized By:  **Date:** 9/4/15
Lee Seale, Chief Probation Officer