

ATTACHEMENT: PROPOSED PROCEDURE EDITS

In Section 12.700 (B)(2), add requirements for affidavits seeking a search warrant.

- e. List the nature, sex, and estimated age of any occupants reasonably expected to be at the property to be searched. Among occupants listed, identify if each person is presently under investigation for alleged criminal activity or if the person is not presently under investigation for alleged criminal activity.**
 - f. State the officer's intended action if the person(s) for whom the search warrant is being issued, or any occupant of the property, does not respond to the door after a reasonable amount of time, which is longer than 60 second (e.g. proceed with a forcible entry or return to execute the warrant at a different time). The intent to utilize a forcible entry must be justified through the criteria of verifiable exigent circumstances, as defined in 12.700(D)(4).**
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In Section 12.700 (B)(5), edit as follows.

5. Requesting a "No Knock" search warrant.

- a. Members of CPD may not seek, execute, or participate in a no-knock warrant for any location within the boundaries of City of Cincinnati, except in circumstances involving an active-shooter, hostage situation, kidnapping, murder, or terrorism. This prohibition applies to members of CPD taking part in no-knock warrant operations run by task forces and multi-agency units.**
- a. b. When seeking a no-knock warrant, the affiant officer must add the following four points in addition to the probable cause listed in Section B.2.d. above.**
 - 1) The affiant officer must show explain: how the circumstance involve an active-shooter, hostage situation, kidnapping, murder, or terrorism; the specific reasons why the police need a "No Knock" waiver (e.g., violent history of suspect); and why police officers are unable to detain the suspect or search the premises without knocking or announcing their presence and using other less invasive methods.**
 - 2) The affiant officer must give the names and descriptions of armed suspects he believes may try to harm officers during the search. The officer must provide evidence and/or surveillance gathered 24 hours, or less, before executing to verify the armed suspect is present at the residence to be searched.**
 - 3) The affiant officer must give a statement showing a connection between the address in question and the criminal activity (e.g., the building owner states Jane Doe is the resident on record for apt. #5 at 1234 Smith St. and Jane Doe is the wife of suspect John Doe).**
 - 4) The affiant officer must add the following waiver just above the area where the judge signs the warrant: "Furthermore, for good cause shown, I waive the statutory precondition for nonconsensual entry."**

b. c. After review by a command officer (captain or above), contact the City Prosecutor. The City Prosecutor will contact a judge and arrange for a court reporter to record the proceedings.

1) If other than normal business hours, contact the City Prosecutor through ECC.

e. d. All "No Knock" search warrants are high risk search warrants requiring the use of SWAT.

In Section 12.700 (D), on "Gaining Entry," make the following changes.

1. A supervisor will be on the search warrant scene during the service of all search warrants.
 2. Secure the perimeter of the premises before entry. Have all doors and windows under observation.
 3. Officers will physically knock on an entry door to the premises in a manner and duration that can be heard by the occupants, clearly notify persons inside the search site of their presence as law enforcement having a search warrant, and request admission.
Example: "Police officers, search warrant, open the door."
 4. Use force to enter the premises only after waiting if: 1) the officer(s) have knocked and announced themselves for a reasonable amount of time for an occupant to open the door, or 2) there are verifiable exigent circumstances.
 - a. A "reasonable amount of time" is that time necessary for an occupant to reach the door from the furthest part of the premises. This must be at least 60 seconds.
 - b. "Verifiable exigent circumstances" is defined as an event occurring in real-time that can create serious bodily harm or death to an officer or an occupant of the property. A verifiable exigent circumstance may be perceived through video footage, documentation, or witness statements. Examples of verifiable exigent circumstances could include: hearing a round being chambered in a gun, seeing through a window an occupant or hostage held by a firearm, etc. If, while waiting for the door to open, there is some sign the occupant is fleeing, fortifying their position, destroying evidence or contraband, or taking action that would jeopardize the safety of the officers, force open the door immediately.
 - c. Upon entry, have one officer continue to announce the identity and purpose of the entering officers.
 - d. To the extent possible, CPD officers taking part in forcible entry shall be clearly recognizable and identifiable as police officers in uniform. Officers shall wear visible badges containing names and identification numbers.
 - 1) Officers not in uniform will display proper identification (e.g., badge, ID, etc.) when serving the search warrant.
 - 2) A uniformed officer of the local law enforcement agency will be present during the search.
 5. The supervisor in charge will complete an after action report when warrant service required forced entry.
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In Section 12.700 (E), add as the following and renumber subsections. Alternatively or additionally, amend in 12.540 to reflect the following.

1. **All CPD officers present in the execution of a warrant shall be equipped with an operating body worn camera (BWC). No later than five minutes prior to all warrant executions, each officer on the premises must activate their BWC and may not deactivate the equipment any sooner than fifteen minutes following the completion of the execution of the warrant.**
 - a. **All recorded data must be retained for at least seven years following an executing action and must be accessible for review by the Citizen's Complaint Authority, City of Cincinnati, and City Council members.**
 - b. **The recorded data shall be stored in a separate electronic file category designated for this purpose.**
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Add the following information as Section 12.700(G), or into the "Policy" portion of Section 12.700, or as appropriate in Section 12.700.

G. Accountability and Public Interest

1. **Any officer who violates Section 12.700 will be subject to discipline (up to and including termination), possible criminal prosecution, and/or civil liability.**
2. **Any officer who is suspected of obtaining or executing a warrant/search by means of deceit, deception, fraud, maliciousness, or gross negligence, shall be investigated by a supervising officer and shall be subject to discipline (up to and including termination), possible criminal prosecution, and/or civil liability. The matter shall not be investigated by any officer who participated in obtaining or executing the underlying warrant/search (unless there is no such officer). An officer at the rank of lieutenant or higher will review the investigation and ensure that appropriate disciplinary or corrective action is taken. Such instances shall also be communicated to the Citizen's Complaint Authority.**
3. **If an affiant officer knowingly gives untruthful information in an affidavit under this section, that matter shall be referred to the appropriate prosecutor's office.**