



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DANIEL CAMERON
ATTORNEY GENERAL

CAPITOL BUILDING, SUITE 118
700 CAPITAL AVENUE
FRANKFORT, KENTUCKY 40601
(502) 696-5300
FAX: (502) 564-2894

OAG EXECUTIVE ORDER

2021-05
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RELATING TO THE ESTABLISHMENT OF THE
ATTORNEY GENERAL'S SEARCH WARRANT TASK FORCE

WHEREAS, the Fourth Amendment to the United States Constitution guarantees that the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized”; and

WHEREAS, in enacting the Fourth Amendment the Framers sought to protect the safety and liberty of citizens by ensuring that searches and seizures would be justified by probable cause, limited in scope, and subject to independent judicial review; and

WHEREAS, Section 10 of the Kentucky Constitution similarly provides that the “people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation”; and

WHEREAS, together the “Fourth Amendment to the United States Constitution and Section 10 of the Kentucky Constitution assure the people that they will be free from all unreasonable search and seizure,” *Combs v. Commonwealth*, 965 S.W.2d 161, 163 (Ky. 1998); and

WHEREAS, the liberties protected by the Fourth Amendment and Section 10 of the Kentucky Constitution belong to all people; and

WHEREAS, recent events, including the death of Ms. Breonna Taylor, have prompted questions related to the methods by which search warrants are secured, reviewed, and executed; and

WHEREAS, the guarantees of the Fourth Amendment and Section 10 of the Kentucky Constitution should be applied with the same rigor and care in each of the Commonwealth's 120 counties; and

WHEREAS, careful review and examination of the methods by which search warrants are secured, reviewed, and executed within the Commonwealth is periodically appropriate; and

WHEREAS, this review should be completed in a manner that is inclusive, that recognizes the many interested stakeholders, and that balances the interests of law enforcement, the peace and security of each community, and the personal liberties protected by the Constitutions of the United States and the Commonwealth:

NOW, THEREFORE, I, Daniel Cameron, Attorney General of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 15.020, KRS 15.200(2), KRS 15.700, and the common law, do hereby Order and Direct the following:

- I. The Attorney General's Search Warrant Task Force ("Task Force") is hereby created as an advisory body within the Department of Law.
- II. The Task Force shall have the following duties:
 - A. To examine, in detail, the processes for securing, reviewing, and executing search warrants within the Commonwealth;
 - B. To examine training needs for those involved in securing, reviewing, and executing search warrants within the Commonwealth;
 - C. To provide for public input on matters relating to search warrants;
 - D. To identify best practices for the effective execution of search warrants with an eye toward the safety of all involved; and
 - E. To make recommendations for potential improvements to the process of securing, reviewing, and executing search warrants within the Commonwealth.
- III. The Task Force shall consist of the following individuals:
 - A. The Attorney General or his designee;
 - B. Two representatives of the Kentucky Court of Justice appointed by the Chief Justice of the Supreme Court of Kentucky;
 - C. The Chairs of the Judiciary Committees of the Kentucky House of Representatives and the Kentucky Senate;
 - D. One person appointed by the Fraternal Order of Police of Kentucky;
 - E. One person appointed by the Kentucky Sheriff's Association;
 - F. One person appointed by the Kentucky Association of Chiefs of Police;
 - G. The Commissioner of the Kentucky State Police or his designee;
 - H. One person appointed by the Kentucky Commonwealth's Attorneys' Association;
 - I. One person appointed by the Kentucky County Attorney's Association;
 - J. The Public Advocate or his designee;
 - K. One person appointed by the Kentucky League of Cities;
 - L. One person appointed by the Kentucky Association of Counties;
 - M. One person appointed by the Kentucky Conference of the NAACP;
 - N. The Commissioner of the Kentucky Department of Criminal Justice Training or his designee; and
 - O. Three citizens representing the Commonwealth at large appointed by the Attorney General.

- IV. The Task Force shall be chaired by the Attorney General, or his designee, and shall meet as often as may be necessary to conduct the review called for in this Executive Order. The Task Force shall conclude its work no later than December 31, 2021.
- V. Any member who misses three consecutive meetings shall be removed, and a replacement shall be named in the same manner as provided in Paragraph III.
- VI. Members of the Task Force shall receive no compensation for their service but shall be reimbursed for travel costs pursuant to the then-prevailing state rate.

So ORDERED this the 21st day of January, 2021



DANIEL CAMERON, Attorney General
Commonwealth of Kentucky