

# Search Warrants

## training outline

### Classroom Presentation

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### Warrants-planning, etc

*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.*

- Search warrant service Lexipol 607
- Operation Planning and De-confliction-Lexipol 608

### Case law-

- Wilson v Arkansas-Knock and announce
- Richards v Wisconsin-K&A "test"
- Michigan v Summers- Detaining a person on scene of a warrant
- Bailey v United States- Limits time and distance for a detention

### Probable Cause

#### Affidavit

- PC statement
- Qualifications of affiant

Review by DA

Review/approval by Judge /swear to Affidavit

### Equipment

- Projector/TV

## **Training Plan**

The purpose of this training is to teach deputies the basics in working as a team to safely and efficiently clear a structure. At the conclusion of this training, every deputy who attends will be able to form a team of regular patrol deputies and utilize a common set of room clearing concepts and abilities to efficiently clear a residence or other structure.

The class will be separated into groups based on the size of the class. Preferably groups of 4-5 deputies. The training will consist of rotating stations in which each group will learn a different room clearing technique/theory at each station which will be taught by a current or former SED member. At the conclusion of completing each station, the group will clear a residential structure (in this case the mobile home located on site) without instruction. At the conclusion of clearing the mobile home, the group will receive constructive feedback from a Procter and will be given the opportunity to clear the structure again if needed, and/or desired.

### **Station 1)**

**Exterior nomenclature of a structure:** Sides 1-4. Breach point and secondary breach point.

Avenue of approach and stacking up at the breach point.

Knock and notice – breaching – working the threshold.

### **Station 2)**

Stairwells

### **Station 3)**

Pieing

High/Low

Long cover

Pushing/Holding

### **Station 4)**

Room entry: Same-side ,Buttonhook, pieing to cross

Area of responsibility

Connected room (interconnect).

**Station5)**

Addressing a threat (SED theory of earning your shot) A drill that alleviates friendly fire in a close contact situation.

**Scenario)**

Each group will clear the mobile home located on site and receive feedback from a Procter which will be one of the instructors.

# Preparation of Search Warrants

# Probable Cause

- "Probable cause" is the legal basis that allows police to arrest someone, conduct a search, or seize property. This requirement comes from the Fourth Amendment of the U.S. Constitution, which states 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 searched."*
- So, at a minimum, in order for a court to issue a warrant, it must be supported by a showing of probable cause.
- Probable cause to search exists when facts and circumstances known to the law enforcement officer provide the basis for a reasonable person to believe that a crime was committed at the place to be searched, or that evidence of a crime exists at the location.

Comes from your investigation. May be information from a patrol report, surveillance, informants, etc

# Search Warrants

- **Probable Cause**

- **Affidavit**

Explains why you believe you have probable cause for the warrant

- **Warrant**

Court order allowing you to search

Names the item/ location etc

Should have a warrant number assigned by the court

- **Warrant Return**

Signed copy of the served warrant returned to the judge with a list of seized property

# De-Confliction

- **WSIN**

Western States Information Network

Alaska, California, Hawaii, Oregon, and Washington.

- **Avoids issues with other agencies**

If another agency is active at the address

- **Avoids Blue on Blue incidents**

If multiple agencies have plainclothes or UCs in place, can and has led to mistaken identity and blue-on-blue shootings

- **Can help an investigation through info sharing**

If multiple agencies are working the same target, WSIN can alert them to allow them to share information

# Ops Plan

- Details the operation (Location, participating units, purpose, routes, contingency plans, etc.
- Centralizes contact info
- Provides for a threat assessment to determine whether the operation justifies an SED mission.
- Everyone on the operation must attend and read the ops plan.
- The OPS plan DOES NOT get added to the report

# Threat Matrix

- Determines if the operation justifies an SED callout to execute the operation
- Uses known threat factors to assess
- If indicated by the matrix, the SED commander will be notified.
- If the mission is accepted, it will be executed by SED