

# SEARCH WARRANTS

---

---

5-2015

## **Knocking on the door : police decision points in executing search warrants.**

Brian Patrick Schaefer  
*University of Louisville*

# OBSERVATION: WARRANTS & INVESTIGATION ARE NOT THOROUGH

---

review of the case. Detectives know that judges will gloss over the warrant if it reads like every other warrant. These boilerplate approaches extend to all facets of the warrant, including the description of the location, the evidence to seize, and the description of the investigation. The description of the investigation is most troubling because detectives begin to conflate the need to conduct a thorough investigation with the need to meet the minimum standards of probable causes. As noted in chapter 2, detectives do not view it necessary to continue with the pre-warrant investigation once probable cause is achieved.

# OBSERVATION: QUESTIONABLE PROBABLE CAUSE

---

information becomes stale. **In the haste of getting the warrant signed, the detectives often use questionable information to get probable cause without conducting a thorough investigation.** The detectives take their knowledge of the criminal activity and reduce it down into narratives that they know, from past warrants, the courts will approve. When

# RULE: MINIMUM OF TEN OFFICERS WITH EXPERIENCE TO EXECUTE SEARCH WARRANT

---

of the warrant. The first task in preparing for the raid is ensuring enough personnel are present to execute the raid. As a general rule of thumb, the detectives want at least 10 persons with experience to be present when serving a warrant. Generally, the units attempt to get ten detectives, but will also use patrol officers, if necessary and they are available. It should be noted that patrol officers do not have a lot of warrant experience,

# OBSERVATION: QUESTIONABLE TACTICS USED TO GET NO-KNOCK WARRANTS

---

The detectives acknowledge that obtaining a no-knock exemption is not difficult.

A detective suggested that “as long as we can articulate there is an **imminent threat** we can usually get an exemption. We have to show the target has a **violent history**, **or we can say that the presence of surveillance cameras will result in the destruction of evidence.**”

# REQUIREMENT: NO-KNOCK REQUIRES CALLING THE LIEUTENANT AND SWAT

---

No-knocks are a hassle. You have to call the Lt., which means we'll probably be waking him up, and he'll get annoyed. We then have to call the SWAT commander because of the increased risk. The Judge also has to sign off and wants more information. It just slows things down, and not worth the effort. We like to move faster than that. If we really feel there is danger to us, then we will get a no-knock, we will bring SWAT out, but we can handle most our warrants.

# OBSERVATION: SWAT REQUIREMENTS IGNORED

---

Not all detectives take filling out the search warrant matrix seriously. When detectives are attempting to get a search warrant signed and executed quickly, they will mark low scores on the search warrant matrix so they can execute the warrant themselves.

# OBSERVATION: DETECTIVES WAIT UNTIL OVERTIME TO SERVE WARRANTS

---

they conduct the warrant. Detectives regularly wait towards the end of their shift to conduct a warrant in hopes of securing overtime money. However, the late hour also

# OBSERVATION: DE-FACTO NO-KNOCK WARRANTS ARE STANDARD PRACTICE

---

reproducing the detectives' understanding of the warrant process. Since getting no-knock warrants requires additional oversight, detectives instead **conduct a de-facto no-knock warrant, bypassing procedural guidelines, and justifying their actions if any narcotics or firearms are found in the location.** Furthermore, **if the detectives face no repercussions for violating the procedural safeguards of the knock-and-announce law, the detectives are further justified in their application and execution of search warrant raids.** Thus, the

# OBSERVATION: ALL LMPD NARCOTICS SEARCH WARRANTS ARE EXECUTED AS NO-KNOCK

---

to break through. Of the 73 search warrant entries observed, every entry involved using a ram to break the door down. Further, the detectives announce their presence and purpose in conjunction with the first hit on the door. A detective explained, "As long as we announce our presence, we are good. We don't want to give them anytime to destroy evidence or grab a weapon, so we go fast and get through the door quick." The detectives

TO REITERATE: ALL LMPD  
NARCOTICS SEARCH WARRANTS  
ARE EXECUTED AS NO-KNOCK

---

# OBSERVATION: ALL LMPD NARCOTICS SEARCH WARRANTS ARE EXECUTED AS NO-KNOCK

---

If we refer back to the need for safety and the prevention of evidence destruction, then throughout this process a key procedural safeguard is ignored. During the study detectives failed to follow knock-and-announce policies. Detectives instead would announce their presence in accordance with the ram hitting the door for the first time. This action provided no time for the homeowner to respond, and if the detectives were unable to break through the door immediately, an occupant indicating a willingness to unlock the door would likely not be heard above the commotion of the detectives. The

# OBSERVATION: DETECTIVES KNOWINGLY CROSS THE LINES

---

the outcomes achieved. The detectives attempt to stretch the boundaries of procedural law, while ensuring they do not cross the threshold where the procedural violations are discovered. This includes the quick manipulation of pockets during stops, the non-consent, consent searches, the use of 'probative' informants, the boilerplate warrants, and the failure to knock-and-announce.

# OBSERVATION: DETECTIVES ARE UNPREPARED

---

and move towards the execution phase. The brief then ensues where the **detectives fail to provide in-depth knowledge of the location or the target due to the minimal investigative efforts**. At this stage in the process the detectives have **gaps in their knowledge** regarding the target's level of danger, the amount of contraband present, or description of the location. The detectives fail to get blueprints of the location or conduct long-term investigations that could provide this information. **The lack of information available to the detectives presents the perceived need to conduct a dynamic entry in to the location.**

# RULE: IF PRIMARY TARGET NOT PRESENT, WARRANT TO BE CALLED OFF

---

and physical characteristics of the person. A detective explained,

We include this information to show we have a specific target from the investigation. A lot of times the person we want doesn't officially live at the house, so we have to have reason to hit that house, since the target doesn't live there. If the target isn't at the location, we won't hit the house.

# RULE: PATROL OFFICER ACTIVATES LIGHTS & SIRENS AND COVERS FRONT ENTRY

---

detectives left themselves exposed. In particular, the detectives do not always assign someone to hold the front of the house as they make entry. Generally, the patrol officer in the marked police car, responsible for turning on the lights and sirens is responsible to cover the front door. However, in some circumstances the patrol officer is asked to help cover the back entrance, leaving the front exposed.

# OBSERVATION: DETECTIVES MAKE IT PERSONAL

---

The ability to send someone to prison is occasionally sufficient outcome of a warrant for detectives. This is especially true if the detectives have a history with a suspect.

Detectives tell stories of serving warrants on certain people to find anything to charge

them with and that this usually occurs with “thugs” who always get away with crime.

# FIVE NO-KNOCK WARRANTS – SAME DAY, SAME TIME, SAME TARGET

---

- 2424 Elliott
- 2425 Elliott
- 2426 Elliott
- 2605 W. Muhammad Ali
  - 3003 Springfield



Scatpack Jamarco

March 9 · 🌐



They hit da spot 🏠 but it was empty 🖐️ 🚔 !!



MARCH 13 WAS  
LIKELY THE UNIT'S  
PERSONAL  
VENDETTA

# CONCERN: STARTLED PERSONS WILL SHOOT

---

have more control over the warrant, and in turn increase perceived safety. However, **the dynamic entry also leads to startled persons who fear someone is breaking in which can and has led to persons shooting at the burglar, or in the dynamic entry instance, the police** (Balko, 2006, 2013). The police interpret any shots fired during the warrant as a threat from a “criminal” inside, often returning fire. The result of these scenarios, no matter how rare they are, is the detectives reinforce the need to use dynamic entry and force to increase the safety for the detectives. **What the detectives do not consider, is how the raid actually increases risks for detectives, a notion that goes unacknowledged, by increasing the uncertainty.**

# CONCLUSION: DETECTIVES' OWN ACTIONS GENERATE THE SAFETY CONCERNS

---

their efforts. What the detectives fail to realize is that the processes used, especially the pace in which they move through the warrant process, generates many of the safety concerns detectives face. First, the short investigation period limits the knowledge detectives are able to gain on the target of the warrant and the location. For instance, detectives do little background on the layout of the location or attempt to validate the presence of weapons in the location. Instead, detectives rely on information from

# CONCLUSION: DETECTIVES BYPASS SAFER OPTIONS

---

the only means of seizing evidence from locations. Other strategies, including knock-and-talks, consent searches, or simply knocking-and-announcing before entering are all viewed as threats to safety and to seizing the evidence. The detectives lose creativity in

# CONCERN: DETECTIVES KEEP THE VEHICLES THEY SEIZE

---

the loan is small. Detectives also avoid seizing vehicles that have high mileage or are in bad shape. A key decision for the detectives is the quality of the vehicle. Since the general rule is that if you seize it you get to drive it, detectives will not want to bother driving a Chevrolet Corsica but are far more excited about the Cadillac Escalade.

## CONCLUSION:

POOR USE OF FUNDS TO PAY OVERTIME TO 10 to 40 OFFICERS

---

departmental policies and procedures. Department review should evaluate the warrants for effectiveness and necessity. Departments should track the outcomes of search warrants in relation to the personnel hours allocated to the warrant. The warrants observed in this study tied up ten or more law enforcement personnel for several hours any time a warrant was served. As a result, departments need to weigh the outcomes of

# CONCLUSION: LOW RISK WARRANTS NOT WORTH THE POTENTIAL OUTCOMES

---

minimal drugs, and minimal cash), and the dry warrant. The consequences and potential harms caused by the search warrants, especially for low risk warrants, are not worth the potential outcomes. A cost-benefit analysis of search warrant manpower and outcomes is likely to show this. To evaluate the effectiveness of these warrants, the department will need to track the number of warrants, the man power allocated to the warrants, and the outcomes of the warrant. To conduct a full evaluation of the use of warrants, departments

# CONCERN: MOTIVATIONS BEHIND SEARCH WARRANTS

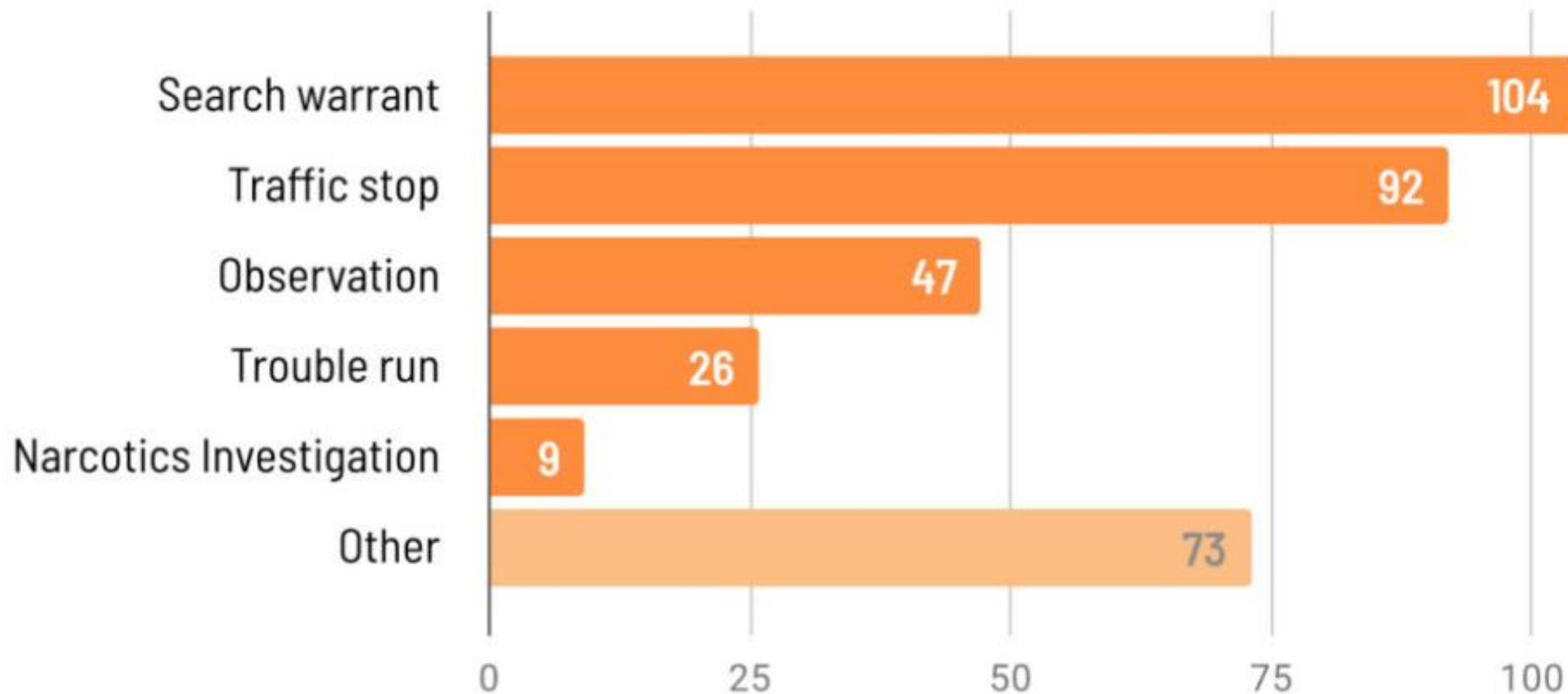
---

the loan is small. Detectives also avoid seizing vehicles that have high mileage or are in bad shape. A key decision for the detectives is the quality of the vehicle. **Since the general rule is that if you seize it you get to drive it, detectives will not want to bother driving a Chevrolet Corsica but are far more excited about the Cadillac Escalade.**

# CONCERN: MOTIVATIONS BEHIND SEARCH WARRANTS

---

# LMPD Assets Seized, By Police Interaction



Source: Louisville Metro Police Department, Jan. 2017-June 2019

Graphic by Alexandra Kanik

# SEIZURES: ALL VEHICLES GO TO POLICE. ALL FUNDS GO TO POLICE (85 PERCENT) AND PROSECUTOR (15 PERCENT)

---

the loan is small. Detectives also avoid seizing vehicles that have high mileage or are in bad shape. A key decision for the detectives is the quality of the vehicle. Since the general rule is that if you seize it you get to drive it, detectives will not want to bother driving a Chevrolet Corsica but are far more excited about the Cadillac Escalade.

# CONCERN: INDIVIDUAL OFFICERS KEEP VEHICLES THEY SEIZE

---

the working conditions of the detectives. As one detective notes, “the general rule is if you seize the car, you get to keep it within reason. They won’t let us keep a Porsche, but will take the Porsche and give us a new car.” When the working conditions include

BODY WORN CAMERAS —

NO ACCOUNTABILITY FOR NON-USE

NO TRANSPARENCY ON POLICIES

---

INTERNAL INVESTIGATIONS –  
DO NOT APPEAR TO BE A PRIORITY

---

PSU INVESTIGATIONS BREAKDOWN 2018 THRU 2020

	2020			
	Q1	Q2	Q3	Q4
Counseling	0	0	0	0
Remedial Training	0	0	0	0
Written Reprimand	0	0	0	0
Suspension	0	0	0	0
Termination	0	0	0	0
Removal From Take Home Car Program	0	0	0	0
Transfer	0	0	0	0
Demotion	0	0	0	0
Resigned	0	0	0	0

	2019			
	Q1	Q2	Q3	Q4
Counseling	0	0	0	0
Remedial Training	0	0	0	0
Written Reprimand	4	1	1	2
Suspension	1	0	0	0
Termination	0	0	0	0
Removal From Take Home Car Program	0	0	0	0
Transfer	0	0	0	0
Demotion	0	0	0	0
Resigned	0	0	0	0

# CITIZENS ATTITUDE SURVEY— STOPPED IN 2017

---

# DRUG AND ALCOHOL TESTING – THERE IS NONE

---

OFFICER PERSONNEL FILES —  
DO NOT INCLUDE OFFICER INCIDENTS

---