

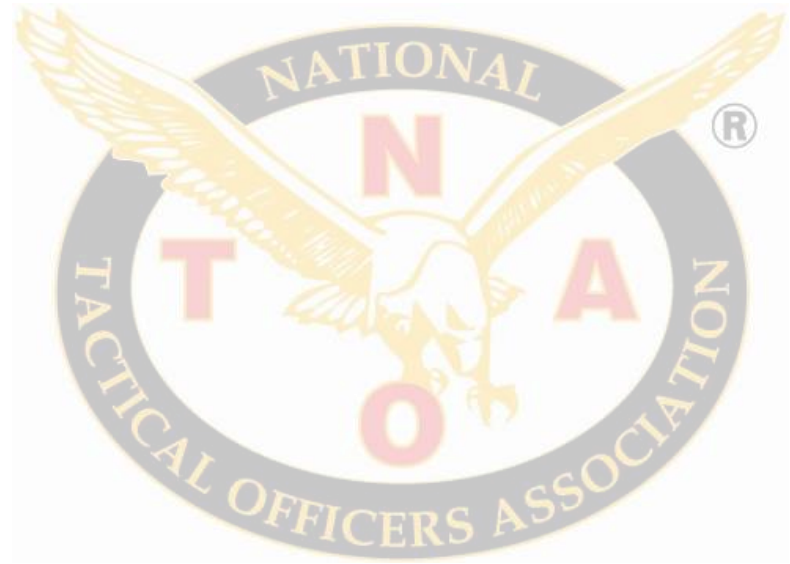


High Risk Warrant Service

NATIONAL TACTICAL OFFICERS ASSOCIATION

800-927-9127

WWW.NTOA.ORG



Section One

WARRANT SITUATIONS



Warrant Situations

- Operation is preplanned
- Planning is detailed
- Planning is completed prior to deployment



Warrant Situations

- Preparation lies with SWAT
- Controlled entry to recover evidence may be necessary
- Containment is complete and immediate



Warrant Situations

- Personnel thoroughly briefed prior to deployment
- SWAT chooses deployment tactics



Warrant Situations

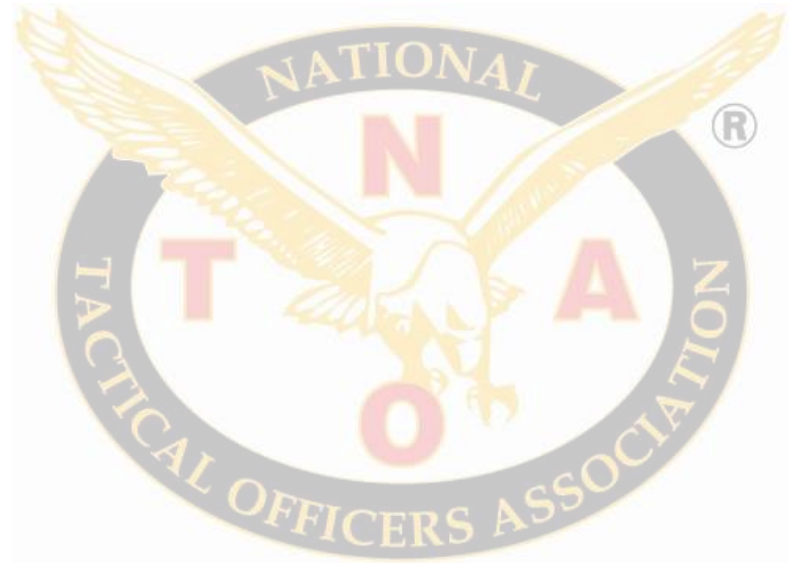
- Suspect might be taken by surprise



HRWS

- Advantage of using SWAT. . .
 - Provides investigators and patrol officers a safer method of serving high risk warrants.





Section Two

SWAT CRITERIA



Criteria

- Suspect(s) are known or believed to be heavily armed
- Fortification
- Violent criminal history



Criteria

- Suspect is wanted for armed assault on a law enforcement officer
- Unconventional hazard posed for “routine” service



Criteria

- Mission Assessment (matrix)
 - Initially designed for internal use to assist detectives in consulting SWAT. Still useful if completed properly.



Criteria

- “Creep” has allowed these to become the sole determining factor for many teams



Criteria

- Matrix – Using numbers vs. not using numbers?
- No science behind the numbers
- Different #'s between agencies
 - Thereby supporting no science or consistency
 - Easily used against SWAT



Criteria

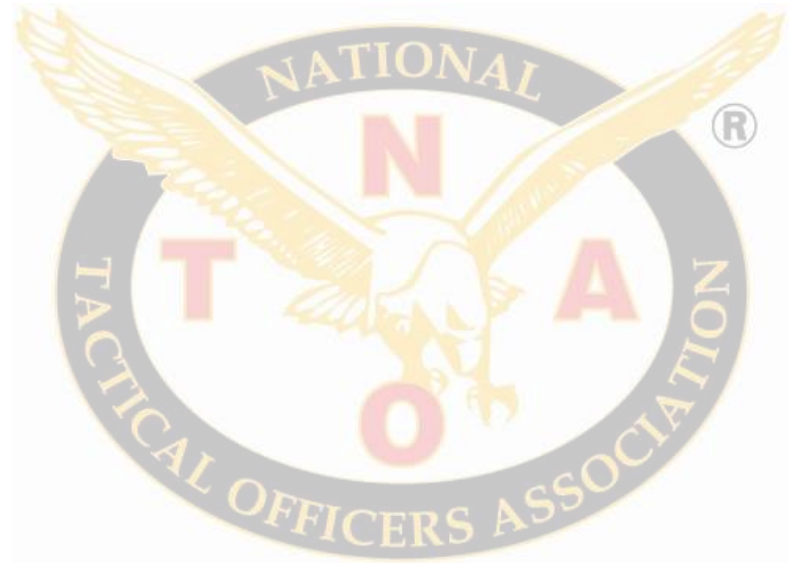
- Open ended assessment
 - Yes/No questions
 - Written format explaining threats
 - Commander has ability to determine deployment



Criteria

- SWAT Commander must have a good reason to use the SWAT Team!
- Sound policy





Section Three

WARRANT SERVICE PLANNING



Planning

- Investigative package
- Scout the location
- Diagram the location
- Assignment of personnel



Planning

- Develop tactical plan
- Obtain formal approval
- Properly brief warrant and all responsibilities



Relationships

- Investigator has an investment prior to SWAT
- Review warrant
- Attention to detail!
- Build trust



“Trust, but verify.”

- Ronald Reagan



Avoid the Headlines

- “SWAT Team Hits Wrong House”
- “County Settles with Victims of Botched SWAT Raid”
- “SWAT Wrong Again”
- “SWAT Raid Gone Bad”
- “SWAT Out of Control”



Intel Gathering

- Obtain clear mission statement
- Suspect's profile
- Criminal history, weapons, vehicles, time tables



Intel Gathering

- Target profile
- Diagrams, occupants and environment
- Patterns of the suspect(s)



Intel Gathering

- SWAT doesn't have to duplicate investigative efforts
- Preparation time
- Do you allow flexibility?



Scout

- Drive-by considerations.
 - Consider taking team members
 - Photos and video
 - Different types of vehicles
 - Scout on foot
 - Deliveries or other ruses



Scout

- Confirm intelligence
- Determine approach routes
- Establish containment and cover positions
- Determine final staging location



Scout

- Select primary and secondary entry points
- Evaluate need for window port teams
- Select a rally point



Scout

- Note prominent terrain features
- Determine CP location
- Hospital route



Op Planning

- Breaching Methods
 - Pick and ram
 - Porting
 - Bar pull
 - Shotgun breach



Op Planning

- Convoy order and routes
- Assign personnel to vehicles for optimal arrival to containment, entry and traffic control points



Op Planning

- Command Post Location
 - Out of line of sight
 - Out of the line of fire
 - Large of enough to support additional resources, if necessary



Op Planning

- Secondary entry personnel
 - Assign selected containment personnel to assist entry team, if necessary
 - Determine what radio frequency will be used



Op Planning

- Medical considerations
 - Arrange for TEMS or paramedic assistance
 - Consider the need for multiple hospitals
 - Maps for hospital route



Op Planning

- Knock and notice considerations
 - Legal requirements
 - Recorded PA announcement?
 - Real time surveillance



Contingency Plans

- What are some contingency plans that should be in place?

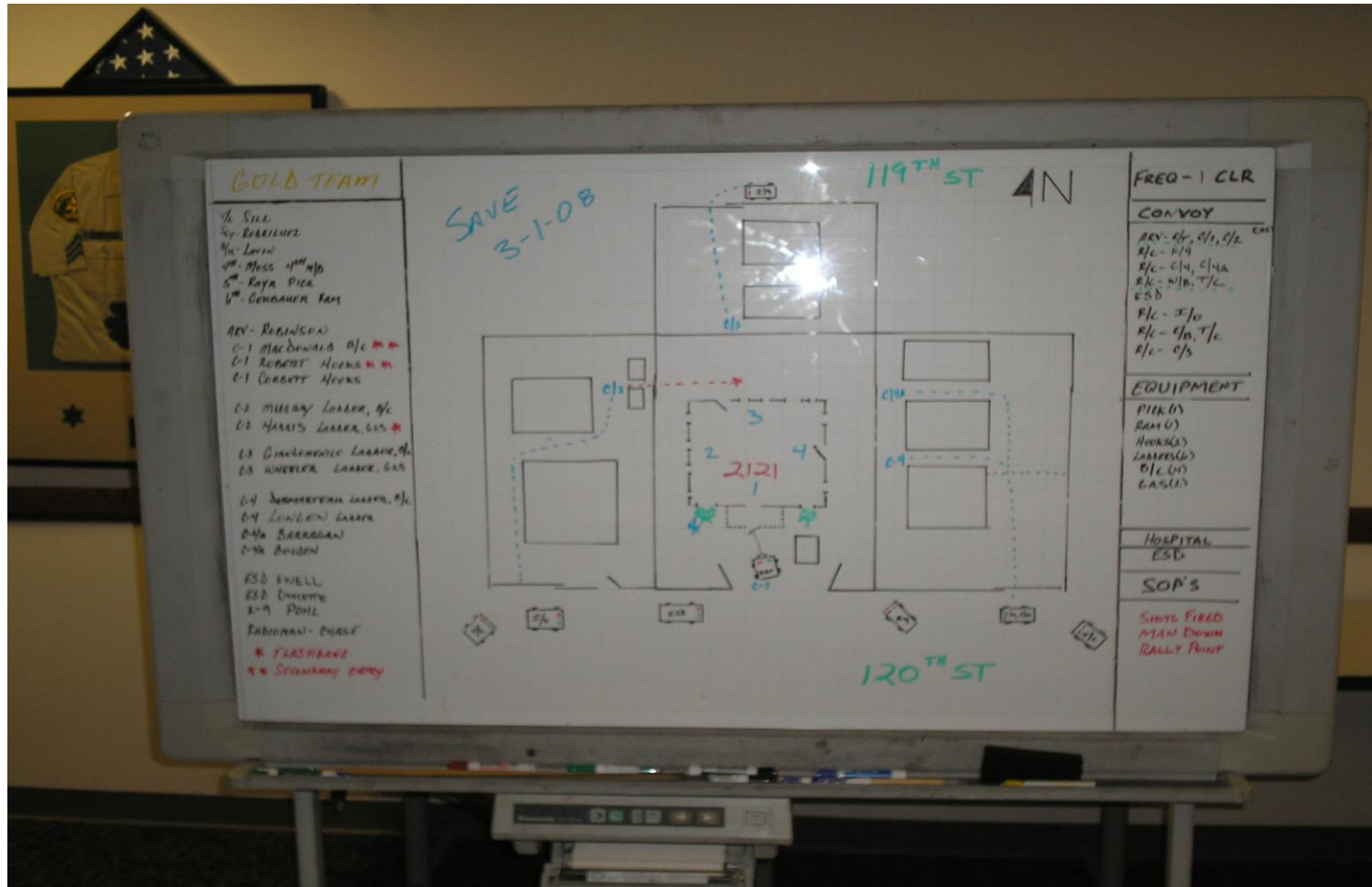


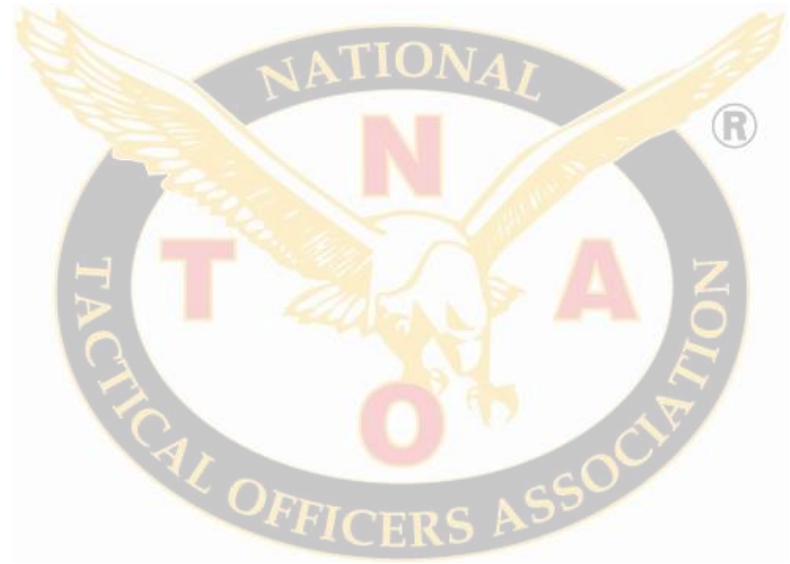
Contingency Plans

- Operation Compromised
- Failed breach
- Shots fired
- Officer down
- Rally points
- Diversions
- Vehicles break down



Tactical Plan





Section Four

WARRANT SERVICE OPTIONS



Operational Briefing

- General briefing for all personnel covering the operation in it's entirety
- Detailed briefing of personnel by assignment



Video Taping

- Discuss pros/cons
- Not mandatory
- Some do it, some don't



Audio Taping

- Not mandatory
- Records all on radio
- Start prior to arrival
- Stop after primary search completed
- Include evidence
- Has ended complaints quickly



Warrant Rehearsal

- Ensures everyone knows their assigned role and responsibility
- Provides an opportunity to apply equipment and practice contingency plans



Service

- Tactics are dictated by:
 - The facts and intelligence known
 - The object of the warrant
 - The environment



Service

- How can we achieve our mission while maximizing safety for all concerned?
- Don't place a higher value on evidence than on human life



Service Options

- Dynamic Entry
 - Teachings, articles written, philosophies of various groups
 - Various meanings of “dynamic”



Terminology

- Dynamic entry and speed of movement are two different things
- Breach can be dynamic and clearing movement can be very slow



NTOA Stance

- Priorities determine the speed of movement
- Consider multiple options to detain suspects or preserve evidence



NTOA Stance

- Empirical evidence would suggest that fast movement tends to get people injured or killed more than slowing down
(no formal study exists)



NTOA Stance

- Multiple options exist. Be flexible!
- Glamour!?
- ~~Speed, surprise and violence of action!~~



Service Options

- Surveillance and take-down away from target site



Service Options

- Contain and call-out
 - Non-destructible evidence
 - Interior target site threat high
 - Exterior target site threat low



Service Options

- Breach & Hold
 - Breach and dominate an entry point
 - None-destructible evidence



Service Options

- Limited Penetration
 - Control a portion of the target site at a controlled pace, then call occupants out
 - Dominate points of destruction with porting teams if necessary



Service Options

- Deliberate Movement
 - Controlled speed
 - How long?



Movement

- Breach & Hold, Limited Penetration and Deliberate Movement may still use a dynamic breach
- Don't confuse entry and movement



Movement

- You can use a dynamic breach and still call people out to the team.
- Dynamic *only* refers to the method of breaching and entry point. *Not speed of movement.*



Deployment

- Non-SWAT stage at CP area
- “Eyes On” provides last minute intelligence
- SWAT responds with some/all marked vehicles
- Secure and TOT investigators



Role of Command

- Approves the mission
- Verifies the warrant
- Approves the plan
- Manages the resources



Role of Command

- Ensures notifications are made
- Prepares for transition to barricade or hostage rescue
- Oversees the debrief



Deployment

- Remain flexible!
- Contingency planning!

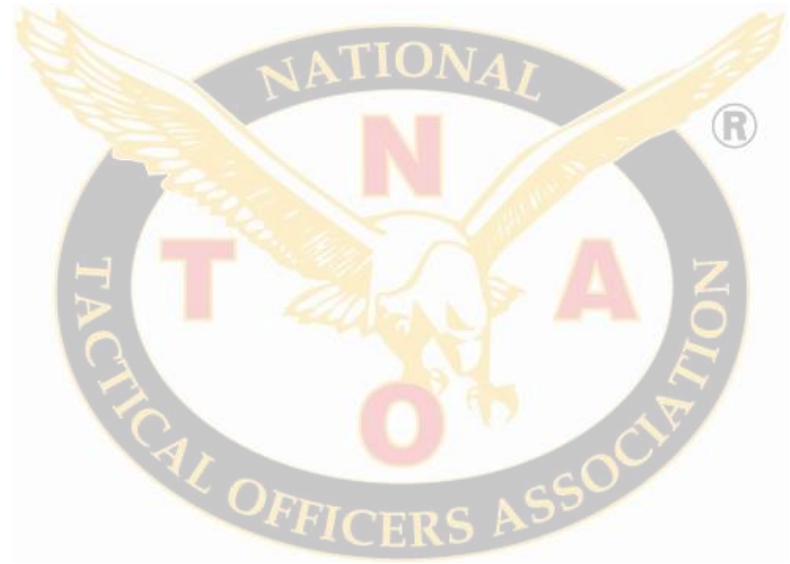
SHOTS FIRED. . .



Shots Fired. . .

- Conduct man-down drill, if necessary
- Assume defensive position with adequate cover
- Conduct a roll-call
- Extract any wounded team member
- Advise team and command staff of conditions and proceed with barricaded suspect operational tactics





Section Five

WARRANT SERVICE POST OPERATION



Post Deployment

- Secondary clearing
- Provide pertinent information to investigators
- Memorialize the entry
(diagrams, photos, damage, etc.)



Post Deployment

- Damage assessment conducted and recorded
- Inventory all equipment
- Debrief



Post Operation

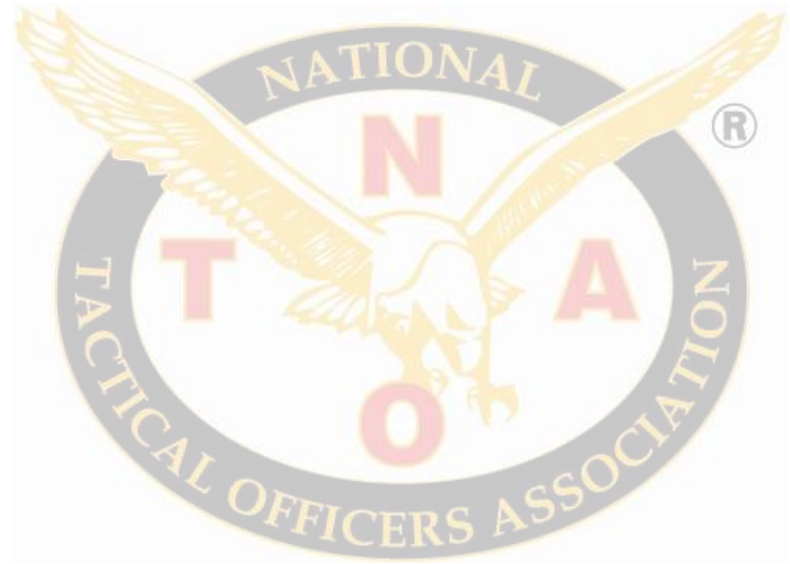
- Complete an after action report (thorough)
- Comprehensive and honest critique conducted



Role of Command

- Reviews and approves after action report
- Ensures issues are addressed after debrief





Section Six

WARRANT SERVICE CASE LAW





United States v. Banks

540 U.S. 31



United States v. Banks

540 U.S. 31

- **Synopsis:** Officers executing a warrant to search for cocaine in respondent Banks' apartment knocked and announced their authority. The question is whether their fifteen (15) to twenty (20) second wait before a forcible entry satisfied the Fourth Amendment.
- **Issue:** Knock and Announce Wait Time



United States v. Banks

540 U.S. 31

- The Supreme Court upheld this entry and noted that the time period an officer must wait after knocking and announcing the service of a search warrant, but prior to forcing entry, depends on the totality of the circumstances in the particular case.



United States v. Banks

540 U.S. 31

- The Court noted that if officers are seeking a stolen piano, they may have to wait longer since it would be more difficult to destroy such an item. Thus the focus here is on the nature of the item sought.





Los Angeles County v. Rettele

550 U.S. 609



Los Angeles County v. Rettele

550 U.S. 609

- **Synopsis:** LASD conducted a fraud related investigation. The suspects were African-American and one owned a handgun. Knock and announce warrant executed on residence. Residents had recently purchased the home and not the same race as the suspects being sought.



Los Angeles County v. Rettele

550 U.S. 609

- **Issue:** Unreasonable search and seizure
- Residents ordered out of bed and remained unclothed until deputies determined the suspects were not present
- Deputies determined they made mistake, apologize and left within 5 minutes.



Los Angeles County v. Rettele

550 U.S. 609

- **9th Circuit Court of Appeals**
 - “after taking one look at the respondents, the deputies should have realized they were not the subjects of the search warrant and did not pose a threat to the deputies safety”
 - Held conduct alleged was unreasonable



Los Angeles County v. Rettele

550 U.S. 609

- **U.S. Supreme Court**

- “we need not pause long in rejecting this unsound proposition”
- Presence of some Caucasians in the house did not eliminate the possibility that suspects also lived there



Los Angeles County v. Rettele

550 U.S. 609

- **U.S. Supreme Court**
 - “the Constitution does not require an officer to ignore the possibility that an armed suspect may sleep with a weapon within reach”



Los Angeles County v. Rettele

550 U.S. 609

- **U.S. Supreme Court**
 - Deputies needed a moment to secure the room and ensure other persons did not present a danger
 - Held actions were not unreasonable





**Holland v.
Harrington
268 F. 3d 1179 (10th Cir.)**

Holland v. Harrington

268 F.3d 1179 (10th Cir.)

- **Synopsis:** An altercation occurred outside a Steakhouse within La Plata County (CO). La Plata County Sheriff's Department learned the names of several suspects including Heflin and obtained misdemeanor arrest and search warrants to obtain evidence from the assaults.



Holland v. Harrington

268 F.3d 1179 (10th Cir.)

- **Synopsis (cont.):** Sheriff authorized the use of the SWAT Team. Team dressed in green camo with no identifying markings and hoods, showing only their eyes and approached the residence.
- SWAT took three young men to the ground at gunpoint (24, 18, and 8 years of age).



Holland v. Harrington

268 F.3d 1179 (10th Cir.)

- **Synopsis (cont.):** SWAT also took down another young man (14 years old) at gunpoint and kept prone for 10 minutes.
- SWAT Team members also pursued a 4 year old inside the house training his laser-sighted weapon on the child's back.



Holland v. Harrington

268 F.3d 1179 (10th Cir.)

- **Synopsis (cont.):** No evidence was recovered and Heflin was acquitted of the misdemeanor charges.
- District Court granted summary judgment in favor of the La Plata County Sheriff's Department and on qualified immunity grounds in favor of Harrington and others relative to plaintiff's excessive force claims



Holland v. Harrington

268 F.3d 1179 (10th Cir.)

- **Synopsis (cont.):** No evidence was recovered and Heflin was acquitted of the misdemeanor charges.
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Holland v. Harrington

268 F.3d 1179 (10th Cir.)

- The District Court ruled that the facts alleged do not show a violation of constitutional right, with three exceptions: (1) the decision to employ the SWAT Team; (2) the SWAT Team's use of weapons against minor children, and (3) the officers' alleged failure to "knock and announce" their entry into the Heflin residence.



Holland v. Harrington

268 F.3d 1179 (10th Cir.)

- “Outfitting sheriff's deputies in hooded combat fatigues, arming them with laser-sighted weapons and ordering them to conduct the "dynamic entry" of a private home does not exempt their conduct from Fourth Amendment standards of reasonableness. The "SWAT" designation does not grant license to law enforcement officers to abuse suspects or bystanders, or to vent in an unprofessional manner their own pent-up aggression, personal frustration or animosity toward others.”



Holland v. Harrington

268 F.3d 1179 (10th Cir.)

- “If anything, the special circumstances and greater risks that warrant “dynamic entry” by a SWAT team call for *more* discipline, control, mindfulness, and restraint on the part of law enforcement, not less. SWAT officers are specially trained and equipped to deal with a variety of difficult situations, including those requiring a swift and overwhelming show of force. At all times, SWAT officers no less than others — dressed in camouflage or not — must keep it clearly in mind that we are *not* at war with our own people..”



Holland v. Harrington

268 F.3d 1179 (10th Cir.)

- “. . .But what kind of a supervisor would authorize such a raid? Our evidence further suggests that it was the kind of supervisor that wanted "to teach this piece of [excrement deleted] a lesson."”
- “. . .Thus, I would affirm the district court's decision denying qualified immunity to defendants Schirard, Harrington, and Davis on the claims arising from the decision to employ the SWAT team.”

- Judge Henry (*partially dissenting*)





Muehler v. Mena 544 U.S. 93



Muehler v. Mena

544 U.S. 93

- **Synopsis:** Search warrant regarding a drive-by shooting that had occurred. Warrant issued for residence where several gang members were believed to be living. SWAT executed warrant and located four individuals, who were then detained during the search.



Muehler v. Mena

544 U.S. 93

- **Issue:** Mena was detained and handcuffed during the search. Mena was later released after search was completed and lawful residence in United States confirmed. She later sued alleging she was held with force greater than what was reasonable for period of time greater than was reasonable.



Muehler v. Mena

544 U.S. 93

- District Court ruled in favor of Mena. U.S. Court of Appeals for the 9th Circuit affirmed the District Court's decision, holding that using handcuffs to detain Mena during the search violated the 4th Amendment and that the officers' questioning of Mena about immigration status also violated the 4th Amendment.



Muehler v. Mena

544 U.S. 93

- U.S. Supreme Court (9-0) held that Mena's detention did not violate the 4th Amendment.
- Officers with a search warrant for contraband had authority to detain occupants of the premises during the search, in order to minimize any risk to officers. Handcuffing Mena while police searched for weapons and a wanted gang member was also justified by officer safety concerns and because officers had to deal with detaining multiple occupants.



Muehler v. Mena

544 U.S. 93

- U.S. Supreme Court further held that the officers' questioning of Mena about her immigration status during her detention did not violate the Fourth Amendment. The officers did not need to have reasonable suspicion to question Mena. Moreover, the Court had held repeatedly that mere police questioning did not constitute a seizure.





**United States v.
Allende
486 F. 2d 1351 (9th Cir.)**



United States v. Allende

486 F.2d 1351 (9th Cir.)

- **Synopsis:** Customs dog at San Francisco Int. Airport alerted officials to a crate. Exploratory search of crate revealed the presence of hashish. Warrant obtained for the shipping address listed. Agents executed search warrant 45 minutes after the crate entered the premises.



United States v. Allende

486 F.2d 1351 (9th Cir.)

- **Synopsis (cont.):** Agents knew the suspects were inside the residence. Agent knocks with bare hand and announces, "Federal officers with a warrant. Open up." A few seconds later scampering sounds were heard, and a few seconds after that, no response, the agents forcibly entered. About ten seconds elapsed between the knock and the entry.
- **Issue:** Knock and announce wait time.



United States v. Allende

486 F.2d 1351 (9th Cir.)

- U.S. Courts of Appeals for the 9th Circuit held that the wait time was reasonable after hearing scampering noises inside.





**United States v.
Phelps
490 F. 2d 644 (9th Cir.)**

United States v. Phelps

490 F.2d 644 (9th Cir.)

- **Synopsis:** Federal search warrant. Execution at 1pm, knocked at front door at least twice and loudly announced they were federal agents with a search warrant. Agents heard dog barking and movement inside, but no other response, agents forcibly opened door, entered residence and located Phelps.
- **Issue:** Knock and announce wait time.



United States v. Phelps

490 F.2d 644 (9th Cir.)

- On appeal the appellant asserts that the federal agents failed to comply with 18 U.S.C. § 3109 and not providing any facts showing exigent circumstances to justify 10 second delay before forcible entry was made.



United States v. Phelps

490 F.2d 644 (9th Cir.)

- "There are no set rules as to the time an officer must wait before using force to enter a house; the answer will depend on the circumstances of each case."
- Court referenced United States v. Allende in its decision that the wait time was reasonable after hearing noises, but no response.





Richards v. Wisconsin 520 U.S. 385



Richards v. Wisconsin

520 U.S. 385

- **Synopsis:** Police obtained a search warrant for Richards' hotel room on suspicion of committing felonious possession with intent to deliver controlled substance. Officers did **not** knock and announce prior to entering the room, searched and seized drugs.



Richards v. Wisconsin

520 U.S. 385

- **Issue:** Knock and Announce
- Decision not to knock and announce is based upon the officer's reasonable suspicion that doing so would be dangerous or futile or would inhibit the investigation by allowing the destruction of evidence



Richards v. Wisconsin

520 U.S. 385

- Held that the decision not to knock and announce was reasonable in this case once officers reasonably believed Richards knew who they were when he opened the door, it was reasonable to force entry given the ability to dispose of the drugs





**United States v.
Ramirez
523 U.S. 65**

United States v. Ramirez

523 U.S. 65

- **Synopsis:** Ramirez serving sentence in prison for various offenses. While being transported to court for a case, he escaped from custody (he had prior escape and demonstrated violence). Suspect was located and a no-knock warrant was issued.



United States v. Ramirez

523 U.S. 65

- **Issue:** Whether the 4th Amendment holds officers to a higher standard than this when a no-knock entry results in the destruction of property
- Informant provided information that suspect hid weapons and drugs in the garage



United States v. Ramirez

523 U.S. 65

- Officers broke window in garage to cover the garage in the event residents rushed to the garage to arm themselves (based upon informant information)
- Ramirez awoke from the noise, armed himself and shot into the ceiling



United States v. Ramirez

523 U.S. 65

- Officers announced themselves “POLICE!”
- Ramirez surrendered, arrested for felon in possession of a firearm
- Ramirez argued search illegal, because no exigent circumstances existed (damage)



United States v. Ramirez

523 U.S. 65

- **9th Circuit Court of Appeals**
 - Affirmed trial court decision to grant motion to suppress, holding greater exigent circumstances are required



United States v. Ramirez

523 U.S. 65

- **U.S. Supreme Court**

- Excessive or unnecessary destruction of property in the course of a search may violate 4th Amendment, even though the entry itself is lawful and fruits of the search are not subject to suppression



United States v. Ramirez

523 U.S. 65

- **U.S. Supreme Court**
 - Held no 4th Amendment violation
 - Reliable informant provided information and officer confirmed, suspect was prison escapee who had violent history and access to firearms



United States v. Ramirez

523 U.S. 65

- **U.S. Supreme Court**
 - Police had a reasonable suspicion that knocking and announcing may be dangerous to themselves/others
 - Broke a single window, to prevent anyone to arm themselves



United States v. Ramirez

523 U.S. 65

- **U.S. Supreme Court**
 - Remember: ***Objectively Reasonableness Standard***
(Graham v. Connor)
 - Don't damage more property than reasonable to serve warrant



Questions?



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