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KNOCKING ON THE DOOR: POLICE DECISION POINTS IN EXECUTING SEARCH WARRANTS

By

Brian Patrick Schaefer
B.S., McKendree University, 2007
M.S., Eastern Kentucky University, 2009

A Dissertation
Submitted to the Faculty of the
College of Arts and Sciences of the University of Louisville
in Partial Fulfillment of the Requirements
for the Degree of

Doctor of Philosophy
in Justice Administration

Department of Justice Administration
University of Louisville
Louisville, Kentucky

May 2015

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A Dissertation Approved on

February 24, 2015

by the following Dissertation Committee:

Thomas Hughes, J.D., Ph.D., Department of Justice Administration, Chair

Deborah Keeling, Ph.D., Department of Justice Administration, Committee Member

Richard Tewksbury, Ph.D., Department of Justice Administration, Committee Member

Victor Kappeler, Ph.D., School of Justice Studies, Committee Member

DEDICATION

This dissertation is dedicated to my wife

Ms. Ashley Schaefer

Who has supported and encouraged me through this long journey.

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I would like to thank all of the detectives, administrators, and staff members at Bourbonville Police Department for their assistance in this project and for volunteering as participants in the study. The information and support received from these individuals made this project possible and enjoyable.

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ABSTRACT

KNOCKING AT THE DOOR: POLICE DECISION POINTS IN EXECUTING SEARCH WARRANTS

Brian Patrick Schaefer

February 23, 2015

Research indicates that search warrants raids increased during the 1990s and continue to be a common enforcement tool for law enforcement. The extant literature does not provide a detailed understanding of why police departments are increasingly using search warrants and in particular why plainclothes detectives are conducting these raids at a higher rate. Furthermore, the research does not provide an understanding for how search warrants are secured and executed by police departments. This research examines the social constructions detectives use to justify and carry out the various stages of the search warrant process. Ethnographic research was used to observe 73 search warrants over a 21 month period.

The findings indicate there are five stages to the search warrant process: (1) when detectives seek warrants; (2) obtaining the warrant; (3) preparing for the warrant; (4) executing the warrant; and (5) measuring the warrant's success. When examining the search warrant process as a whole, the research finds those detectives' typifications of the need for search warrants rests on the officer safety and the need to secure evidence of criminal activity before it is destroyed. The research also shows the detectives' emphasis

on safety is contradictory as the process detectives use to execute search warrant exposes the detectives to increased and often unnecessary risks.

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CHAPTER I

INTRODUCTION

"What are policemen supposed to do?" Egon Bittner (1970: 41) asked this question over forty years ago. Bittner asked this question in the context of understanding how the police use force. Of course, this question can be expanded beyond questions of force, to reference various policing styles, objectives, or strategies. The history of policing in the United States reveals several attempts at policing styles beginning with watchman and slave patrols, and evolving to random patrol, problem-oriented policing, community-oriented policing, broken windows policing, and intelligence-led policing to name a few (Bittner, 2006; Carter & Carter, 2009; Greene, 2000; Kelling & Moore, 1988; Sykes, 1986; Scott, 2000; Skogan & Hartnett, 1997; Sparrow, Moore, & Kennedy, 1990; Strecher, 2006; Uchida, 1993; Walker, 1977, 1998; Walker & Katz, 2013; Weisburd, 2008; Williams & Murphy, 1990). Policing in the United States has taken on various strategies and objectives. For instance, foot patrols were common during the political era (1840-1900; Haller, 1976), only to fade away with the introduction of the police car during the professional era (1900-1960; Kelling & Wilson, 1982; Walker, 1977). What is old becomes new, as foot patrols are once again a popular strategy in the community-policing era (1960-present; Kelling & Moore, 1988; Wilson & Kelling, 1982).

The core concerns of the police such as serving the public and controlling crime have varied across policing epochs (Kelling & Moore, 1988). Similarly, there are concerns over police use-of-force and professionalism that have endured across time, as can be seen by the numerous Commissions developed to examine police behavior.[1] Scholars suggest that modern policing has improved drastically compared to the previous political- and professional- eras (Bayley & Nixon, 2010); while, other scholars suggest the improvements during modern policing are often overstated (Manning, 1978a). Regardless of one's perspective on the improvements of the police, what is certain is that changes in policing develop unevenly across space and time. Furthermore, these developments are uneven within police organizations and even with units of individual agencies (Fassin, 2013; Klinger, 1997; Hassell, 2007; Manning, 1980; Reiss, 1971; Sanders, 1977; Wilson, 1968). An interested follower of police practices only has to look at 2014 to understand the complexities of change and numerous issues that still complicate the police role in society.

The shooting of multiple unarmed black men in the later months of 2014 across the United States has brought forth several questions regarding aggressive police tactics. For instance, the overuse of stop-and-frisk by New York Police Department combined with the choking death of Eric Gardner, raised concerns about the broken windows policing model. Further, the shooting of Michael Brown on August 9, 2014 and subsequent riots in Ferguson, Missouri generated intense discussions on the role of the military weapons and armored vehicles in local police departments, as media images depicted heavily armed police officers confronting protestors (Dansky, 2014). Bound within these discussions are whether police departments need armored vehicles and

assault rifles, and when police departments should deploy SWAT teams (Special Weapons and Tactics) (Dansky, 2014). These public debates have led to Congressional hearings (Chokshi & Larimer, 2014), as well as state-level legislative hearings (Galofaro, 2014).

One under-discussed component of these public debates are the use of SWAT teams or police paramilitary units (PPUs) to conduct routine drug search warrants, a concern that is supported by research. Kraska and Kappeler (1997: 7) note: "Of the total number of call-outs, civil disturbances accounted for 1.3 percent, terrorist incidents .09 percent, hostage situations 3.6 percent, and barricaded persons 13.4 percent… Warrant work accounted for 75.9 percent of all paramilitary activity…." These warrants are primarily used to conduct raids on drug dealers or to capture armed criminals (Kraska & Cubellis, 1997; Kraska & Kappeler, 1997; Manning, 1980). Balko (2013: iv) notes that warrants are also being used to "raid neighborhood poker games, doctor's officers, bars and restaurants, despite the fact that the targets of these raids pose little threat to anyone." Police departments are using search warrants as an instrumental tool, and some estimates suggest there are over 40,000 raids (search warrants) per year (Balko, 2006; Kraska & Kappeler, 1997). The use of search warrant raids were historically one of the last options used to conduct a potentially dangerous investigation; however, search warrants are increasingly used as the first option to apprehend people who are often non-violent and suspected of minor crimes (Balko, 2006). In addition, use of these warrants results in raids on the wrong addresses and consequently innocent civilians (Balko, 2006). In 2003, New York Police Department Commissioner Ray Kelly admitted that around 10 percent of the city's no-knock drug raids were served on the wrong address, had false

information, or did not produce evidence sufficient for an arrest (Koper, 2004). Kelly also noted that high-powered weaponry was rarely found in these residences (Koper, 2004).

The increasing use of search warrants is intimately linked with Nixon's war on crime in the 1970s, Reagan's war on drugs in the 1980s, the expansive funding of the police to combat crime in the 1990s, and the post 9/11 funding of police departments (Balko, 2013; Kappeler & Kraska, 2013; Kraska & Kappeler, 1997). The increasing use of search warrants occurred at the same time the community-policing style grew in the United States (Novak, Hartman, Holsinger, & Turner, 1999). As part of "taking back" communities, departments began to deploy aggressive policing strategies to "weed out" criminals, so community organizers could rebuild the community (Goldstein, 1990; Lyons, 2002). Two of the most common forms of policing were the use of proactive stops (e.g., stop-and-frisk), and the use of police paramilitary-units to conduct proactive police work. The increasing use of these aggressive tactics is a consequence of the increasingly militaristic rhetoric on combatting crime and the militarization of police practices (Kraska, 2007). Scholars have long noted the influence of the military on the policy, primarily in the context of the military command structures influence on policing (Bittner, 1970; Fogelson, 1977; Hill & Beger, 2009; Kraska & Kappeler, 1997; Manning, 1978b; Skolnick & Fyfe, 1993). Yet it was not until the 1990s when the influence of the military in police tactics emerged. Kraska (2007: 3) refers to militarism as an ideology that stresses "the use of force and threat of violence as the most appropriate and efficacious means to solve problems." Kraska (2007: 3) goes on to define militarization as the actual "process by which police agencies adopt an increasingly martial culture, organization, material, and modus operandi." The primary means in which the military is

influencing police practices is through the sharing of equipment and training of PPUs (Kraska & Cubellis, 1997; Kraska & Kappeler, 1997). Kraska and Kappeler (1997: 3) note that "PPUs are equipped with an array of militaristic equipment and technology. They often refer to themselves in military jargon as the 'heavy weapons units,' implying that what distinguishes them from regular police is the power and number of their weapons."

Patrol officers and plain-clothes detective units also play a vital role in the aggressive police practices in contemporary policing. Departments are using stop-and-frisk strategies and zero-tolerance policing to aggressively enforce drug and gun laws (Manning, 1980; Fassin, 2013; Rosenfeld & Fornango, 2014; Weisburd, Telep, & Lawton, 2014; Wilson & Kelling, 1982). These tactics include conducting street sweeps and search warrant raids as a way to prosecute offenders and control crime (Kleinman & Smith, 1990; Manning, 1980; Sherman, 1990). These tactics have mixed findings on effectiveness (Kleinman & Smith, 1990; Novak et al., 1999; Rosenfeld & Fornango, 2014; Sherman, 1990; Weisburd, Telep, & Lawton, 2014), yet, they hold symbolic value and are not likely going away (Manning, 1978a).

Proponents of search warrants note the high level of success in finding contraband during these raids (Benner & Samarkos, 2000; Silberman, 1978; Van Duizend, Sutton, & Carter 1985). For instance, Van Duizend and colleagues (1985) studied seven different U.S. police departments and found 84 to 97 percent of search warrants resulted in the recovery of contraband. Furthermore, Benner and Samarkos (2000) found that narcotic search warrants in San Diego resulted in the police finding drugs in 88 percent of raids. On face value these studies would suggest that search warrants are a valuable tool for

police; however, these studies did not provide information on what type of contraband was found. There is a considerable difference in conducting a search warrant for a kilo of cocaine versus an ounce of marijuana. Furthermore, these studies did not factor in whether search warrants were needed to address the alleged criminal activity. In other words, was the use of a search warrant the best tactic to secure the evidence? Finally, these studies did not factor in the high-risk nature of executing search warrants. When the police are using flash grenades and battering rams to break into the home of an unsuspecting person, it opens the possibility for things to go wrong (Baum, 1996).

What is concerning is the expanded use of search warrants as a primary police tactic for enforcing order and combatting crime. The expanded use of search warrants is predicated on the belief that criminals are becoming well-armed and are increasingly more dangerous, despite data suggesting otherwise (Koper, 2004). The extant literature does not provide a detailed understanding of why police departments are increasingly using search warrants and in particular why plainclothes detectives are conducting these raids at a higher rate (Balko, 2013). Furthermore, the research does not provide an understanding for how search warrants are secured and executed by police departments. Executing search warrants offer a dynamic process that evokes multiple elements of the police literature including legal frameworks for search warrants, police culture, police decision-making, and police use of force. Examining how the police perceive and justify the use of search warrants can offer insight into the detective's social constructions of warrants, can expose myths associated with serving search warrants, and can offer recommendations for altering police departments' use of search warrants.

Legal Doctrine of Search Warrants

Much of the literature on police use of search warrants is found in case law and published in law reviews (Braverman, 2014; Davies, 2010; Kawulich, 2005; Kern, 2008; Uholik, 2007). In the United States the home has long been considered one's castle (Balko, 2006, 2013; Braverman, 2014; Davies, 2010). The manifestation of the home being secure from unnecessary intrusion is a staple of American legal traditions. Before the Bill of Rights in 1789, legal doctrine covering searches and seizures were scattered. Instead, the Colonies relied on common law and legislation that defined searches to enforce customs and tax collection (Davies, 2010). Following the introduction of the Bill of Rights, the Third and Fourth Amendments explicitly provide protections for one's home, indicating a clear concern by the framers of the U.S. Constitution that government intrusion into the home must be limited (Braverman, 2014). The notion that the home is one's castle is not a unique American invention. Rather, this notion has existed since the Code of Hammurabi (Harper, 1904; Pesciotta, 2012). The direct antecedents to the U.S. protections of the home come from England, where even the "poorest man's ruined tenement" is afforded the protection of exclusion preventing the King from entering with impunity (Pesciotta, 2012).

United States citizens do not have an absolute right to prevent government officials from entering the home. Government officials can enter a person's home upon securing a search warrant as stated in the Fourth Amendment. The Fourth Amendment states:

> 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. (U.S. Constitution, Amendment 4)

The Fourth Amendment provides that a search warrant was needed for the government to enter one's home, however, it was not until 1914 that individuals possessed a constitutional right to be free from warrantless searches and seizures. In *Weeks v. United States* (232 U.S. 383 [1914]) the Court made three important doctrinal innovations regarding the Fourth Amendment. The Court first held that warrantless searches were in violation of the Fourth Amendment. Second, the Court recognized that Government action applies to the conduct of police officers as well as court issued orders (e.g. signed search warrants). Finally, the Court created the exclusionary rule to the Fourth Amendment (see Appendix A for more information on key Supreme Court cases involving Fourth Amendment criminal procedure issues).

In *Weeks* (1914) the Court explicitly recognized the need for government officials to possess a search warrant before entering someone's home for the purpose of a search. A search warrant is a written document that allows peace officers to enter a person's private property (e.g., home or vehicle) to look for evidence of criminal activity or to look for an individual who committed a crime (del Carmen, 2010). A search warrant must contain four elements: probable cause; a supporting oath or affirmation from an officer; a description of the place(s) to be searched and seized; and the signature of a magistrate. To deter the police from violating persons' Fourth Amendment rights, the Supreme Court created the exclusionary rule. The exclusionary rule holds, "any evidence obtained by the government in violation of the Fourth Amendment guarantee against unreasonable search and seizure is not admissible in a criminal prosecution to prove guilt" (del Carmen, 2010: 92). The exclusionary rule is considered a judge-made rule and as such has come under fire from conservative federal judges (Davies, 2010).

The Federal Court system has maintained its sensitivity to one's expectation of privacy in the home and the need to secure a search warrant before entering a person's home (Braverman, 2014). Historically, the Court's primary concern was with the physical invasion of the home by government officials; however, in *Katz* the Court added the concept of reasonable expectation of privacy to the analysis (*Katz v. United States,* 389 U.S. 347 [1967]). The Court has made several rulings over time on the Fourth Amendment as it relates to government officials entering one's home. The Court continues to recognize that "At the Amendment's very core stands the right of a man to retreat to his own home and there be free from unreasonable governmental intrusion" (*Florida v. Jardines,* 569 U.S. ___ 4 [2013]). Further the Court recognizes that "The Fourth Amendment protects the individual's privacy in a variety of settings. In none is the zone of privacy more clearly defined that when bounded by the unambiguous physical dimensions of an individual's home" (*Payton v. New York,* 445 U.S. 573, 589 [1980]).

Fourth Amendment case law does allow for exceptions to the warrant requirement before entering a person's home. First, the Court has ruled that consent searches are allowable (*United States v. Drayton,* 536 U.S. 194 [2002]), and that any contraband observed during a consent search can be seized and used to establish probable cause for a more thorough search (*Harris v. United States*, 390 U.S. 234 [1968]). Second, the Court has ruled that the police can enter a home and conduct a search when there are exigent circumstances (*Illinois v. McArthur*, 531 U.S. 326 [2001]; *Maryland v. Buie,* 494 U.S. 325 [1990]; *Vale v. Louisiana*, 399 U.S. 30 [1970]). The Court potentially expanded police's ability to determine exigent circumstances in *Kentucky v. King* (563 U.S. __

[2011]). In *Kentucky* (2014) the Court ruled that police officers are able to enter a home if there are exigent circumstances, even if the police created those exigent circumstances. In a scathing dissent Ginsburg criticized the Court for allowing police to undermine the Fourth Amendment. Ginsburg stated "The court today arms the police with a way routinely to dishonor the Fourth Amendment's warrant requirement in drug cases. In lieu of presenting their evidence to a neutral magistrate, police officers may now knock, listen, then break the door down, never mind that they had ample time to obtain a warrant" (p. 1).

The courts have also determined how search warrants are supposed to be carried out. These rulings have emphasized that the probable cause used for search warrants cannot be stale (del Carmen, 2010). Further, the Court ruled that officers must knock and announce before entering (*Wilson v. Arkansas,* 514 U.S. 927 [1995]). The knock and announce procedure requires the police to knock on the door, identify themselves as police, and explain their purpose for seeking entry (Miller & Wright, 2007). The police must then wait for a period of time or have their entry be refused before they are allowed to enter (Miller & Wright, 2007). The Supreme Court has acknowledged that the amount of time the police must wait depends on the nature of evidence, size of dwelling, time of day, among other factors. In *United States v. Banks* (540 U.S. 31, [2003]), the Court ruled that officers who waited 15 to 20 seconds were within their right to force entry into the home. The police are allowed to conduct so-called no-knock search warrants, but these warrants must have approval by a magistrate and no blanket exceptions to the knock and announce rule is allowed (del Carmen, 2010). The Court limited the influence of the "knock and announce" rule in *Hudson v. Michigan* (547 U.S. 586 [2006]). In *Hudson*

(2006) the Court held that evidence seized while serving a search warrant is not excluded even if the police violate the knock and announce rule. The ruling eliminates one of the few mechanisms that prevent the police from violating procedural law in executing search warrants.

The critical importance of Fourth Amendment law as it relates to the searches of homes by government officials is situated in the long-standing protections of privacy for individuals inside their home. The Court has expressed protection of privacy by requiring the police to obtain a search warrant to legally enter a home, with the exception of predefined exigent circumstances (del Carmen, 2010; Miller & Wright, 2007). Despite the legal requirement of securing a search warrant to enter the home, the Courts have provided the police with a tremendous amount of latitude in securing a search warrant. Davies (2010) argues that the Court has made crime a central priority at the cost of individual rights. The Court has greatly expanded the power of the police and put a tremendous amount of faith in the police to be a benign force. Davies (2010: 1038) suggests:

> The Justices have now dispensed with the concept that arrest and search authority should be limited by distinct constitutional rights and have instead folded search and seizure into the larger category of administrative law, in which social problems are turned over to the supposed expert agencies and the courts stay out of the way so long as the agency conduct is not egregious or patently arbitrary.

The existing case law and legal research on Fourth Amendment protections has done little to consider the sociological realities implicated by Davies' observations. Furthermore, Davies (2010) notes that the Court has systematically lessened the power of the exclusionary rule to limit police abuse of the Fourth Amendment. If this assertion is accurate, then there is need to study how the police obtain and execute search warrants in

the context of accomplishing law enforcement goals. Illuminating this process is especially important as an extensive body of literature has revealed the ability of the police to bypass procedural law (Davies, 1983; Gould & Mastrofski, 2004; Skolnick, 1966; Uchida & Bynum, 1991). The following section situates search warrants in how police interact with the law.

The Police and the Law

Thus far this manuscript argues that since the 1980s, the police have increasingly used search warrants as a tactic in the wars on drugs and crime. The uses of these search warrants are bounded within the provision of the Fourth Amendment and subsequent Supreme Court rulings. The recent Supreme Court rulings have provided a tremendous amount of latitude to the police in carrying out their day-to-day crime enforcement activities (Braverman, 2013; Davies, 2010). In fact, the Supreme Court noted in *Hudson v. Michigan* (547 U.S. 586 , [2006]) that "the rule of exclusion may be unnecessary in a world where police officers have become so competent and well trained that they already recognize and heed the technicalities of Fourth Amendment law." The question remains as to whether the police do abide by procedural legal doctrine when conducting raids.

Skolnick's (1966) groundbreaking study *Justice Without Trial* illuminated how police officers regularly skirted constitutional standards when conducting searches. Skolnick argues that the awareness of violence, the discretion awarded to police, the use of informants, and the push for efficiency creates an organizational culture that makes it beneficial for officers to skirt criminal procedure laws. Skolnick (1966: 6) states:

> The police in democratic society are required to maintain order and to do so under the rule of law. As functionaries charged with maintaining order, they are part of the bureaucracy. The ideology of democratic bureaucracy emphasizes initiative rather than disciplined adherence to rules and regulations. By contrast, the rule of

> law emphasizes the rights of individual citizens and constraints upon the initiative of legal officials. This tension between the operational consequences of ideas of order, efficiency, and initiative, on the one hand, and legality, on the other, constitutes the principle problem of police as a democratic legal organization.

The social expectation is that the courts will be able to control police behavior through their rulings, and Skolnick (1966) notes the importance of the exclusionary rule in controlling police behavior. Skolnick's (1966) study reveals that the police are capable of regularly circumventing the law. He notes that the police falsify physical evidence and use unreliable informants to secure warrants, and contends that officers who only use legal means to achieve warrants are unlikely to produce enough arrests to justify their position and receive criticism from supervisors. To avoid ridicule, it is common for officers to use their experience and suspicions to search a house or person and if they find evidence of a crime, construct a description after the fact to justify the search. The battle to identify criminal activity and make arrests while staying within the legal boundaries of police work presents contradictions that are difficult to reconcile. To overcome these contradictions the police make use of pre-textual traffic stops or stops based on furtive movements to justify interaction with the symbolic assailant. Skolnick (1966) argues the court has little control over the actions of the police, unless the police provide obvious signs of indiscretion.

Several subsequent studies have examined how the police bypass search and seizure law to combat crime (Skolnick, 1966). The overwhelming majority of this research finds that the police do not conform to the law when making arrests, searches and seizures, and the use of force (Canon, 1974; Comptroller General, 1979; Davies, 1983; Gould & Mastrofski, 2004; Nardulli, 1983; Uchida & Bynum, 1991; Wasby, 1976). Despite the illegal practices of many police officers, several studies note the police

are rarely held accountable for illegal stops or searches (Comptroller General, 1979; Davies, 1983; Gould & Mastrofski, 2004; Nardulli, 1983; Uchida & Bynum, 1991). Gould and Mastrofski (2004) found nearly one-third of observed searches of suspects were unconstitutional, reflecting Kelling's (1999: 13-14) contention that the police "are pushing the Fourth Amendment to the verge of or beyond what is legally permissible."

Understanding how the police use the law is important, as permissible police action is defined through law. The police are provided with discretionary power to determine if a law was violated and what appropriate legal action should be taken (Ericson, 1982; Skolnick, 1966; Westley, 1970). A police officer's action is situated in the law in two senses. First, the police must recognize whether a substantive violation of the law has been made. Second, the officer must meet the constitutional standards for the legal action. If the officer is wrong in either facet, then the case could be dropped and the police could face civil liability (Ericson, 1982; Walsh, 1985). The legal requirements of obtaining and executing search warrants makes understanding how the police navigate the procedural law one component of understanding police use of search warrants. The research also shows police regularly deviate from the law, making the examination of police behavior and practices an important endeavor.

The Current Study

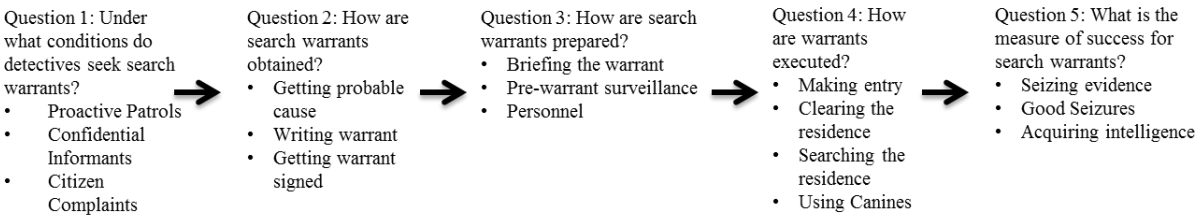
The study thus far indicates search warrants are an increasingly common police tactic in the United States (Balko, 2006; Kraska & Kappeler, 2006). The majority of the literature on search warrants focused on legal issues associated with search warrants (Kern & Scott, 2008; Uholik, 2007) or structural changes in the paramilitary practices of the police (Balko, 2006; den Heyer, 2013; Kappeler & Kraska, 2013; Kraska & Cubellis,

1997). Several studies have examined the decision-making processes of the police in stopping cars or conducting searches of suspects or vehicles (Alpert, MacDonald, & Dunham, 2005; Dunham, Alpert, Stroshine, & Bennet, 2005; Johnson, 2007; Engel, Sobol, & Worden, 2000; Klinger, 1994; Mastrofski et al., 1998; Quinton, Bland, & Miller, 2000; Stroshine, Alpert, & Dunham, 2008; Vito & Walsh, 2008), yet this body of research has largely ignored the use of search warrants. A few studies have provided insight into the use of search warrants by the police (Balko, 2006; Chambliss, 1999; Manning, 1980; Skolnick, 1966), but have largely ignored how the police navigate the process of obtaining and executing search warrants.

Search warrants are contextualized by procedural law that dictate what police departments are allowed to do. The police have the authority under certain conditions to enter a person's home when crime is being committed or to search for evidence of a crime. The question remains as to what conditions the police interpret as necessitating a search warrant. The police are backed by law and are instructed on how to intervene to stop criminal activity; however the when, where, and with whom the police should intervene cannot be clearly defined (Bittner, 1978, 2006; Manning, 1978a). One could argue that part of being a good police officer is having the skills to identify when criminal activity is happening and build a case on a particular subject (Sanders, 1977). This is certainly a skill needed when making detective (Manning, 1978b). Within the context of detective work, law enforcement personnel must confront a series of decision points to determine if a search warrant is possible and/or if it is necessary. The discretion allotted to detectives to pursue cases and their understandings of the decision points in seeking search warrants are of value to academics and practitioners alike.

The police literature recognizes that police decisions are made situationally and are based on commonsense and discretion (Wilson, 2001). Their recognitions implicate the need for research that recognizes the perspectives of the police and their understanding of a phenomenon. This study attempts to accomplish this task by conducting fieldwork with two plainclothes detectives units in a large metropolitan police department. The researcher spent over 21 months with these units to understand how search warrants are used to prosecute drug and gun crime. The study focuses on how police construct the need for, and use of, search warrants to prosecute cases. In particular, the research examines how the police legitimize the use of search warrants as a tool for prosecuting crime, whether the police believe search warrants are effective tools, and the benefits of conducting search warrants. In an attempt to address these issues, this study is guided by five research questions that compare the search warrant process: (1) Under what conditions do detectives seek search warrants?; (2) How are search warrants obtained?; (3) How are search warrants executed?; (4) How are homes searched?; and (5) What is the measure of success following the execution of a search warrant? Figure 1 provides the question for each stage, as well as core elements that define the question.

Figure 1: Flow Chart of the Search Warrant Process



The first question— under what conditions do detectives seek search warrants?— focuses on the situational factors present when detectives begin investigations. This question emphasizes the detectives' use of confidential informants, proactive patrols, and

individual complaints to begin investigations of drug or gun crime. Further, this question informs how the detective evaluates information to determine if a search warrant may be needed to further the investigation and prosecute the crime.

The second question—how are search warrants obtained?—focuses on the establishment of probable cause and the securing a supporting oath. This stage in the process focuses on the techniques and strategies used by detectives to ensure they meet the legal requirements to get the search warrant signed. This phase includes how detectives write the search warrant and how detectives choose which judge to sign the warrant.

The third research question—how are do detectives prepare for search warrants?— describes the planning phase of the search warrant process. This phase includes determining what personnel are needed for the warrant, conducting pre-warrant surveillance, preparing and providing the warrant brief, and assigning detectives their role in the warrant execution. This stage in the process describes how detectives construct concerns regarding safety and ensuring evidence is not destroyed during the execution of the warrant.

The fourth research question—how are warrants executed?—focuses on how detectives make entry into the warrant location, how detectives clear and secure the location, and how detectives search the location. This stage in the process explores the dynamic entry into a resident's location, and what detectives focus on when clearing and securing the location. Further, this stage of the process details how detectives search for the evidence described in the warrant. In addition, the question explores strategies used

by detectives to accelerate the search of the location and how detectives use canines to search the locations.

The final research question—what is the measure of success following the execution of a search warrant?—focuses on what detectives seize during the search and what are the outcomes of the search warrant. This question discusses the type of evidence seized by detectives and the techniques used to secure the evidence. Also, this section discusses how detectives attempt to solicit additional information from the residents for future investigations. Furthermore, the question examines the detectives' construction of success after conducting a search warrant. Finally, the question explores what detectives consider a good seizure of evidence.

Outline

To address the research questions identified in this study, the manuscript will first proceed by reviewing the necessary literature. In Chapter 2, the literature review begins with an overview of the theoretical framework used in this study. Next, the literature review discusses the research on police stop and search decisions, as well as existing research on police use of search warrants.

Chapter 3 describes the methods used in this study. The methods section will describe the location under study, the organizational structure of the police department, and the structure and duties of the detective units under study. In addition, the methods will address the importance of using ethnography to study the police and the specific ethnographic approach used in this study. The methods section will address ethical considerations, validity and reliability concerns, and coding schemes.

Chapters 4 through 8 describes the five stages of the search warrant, with chapter 4 discussing the conditions in which detectives seek warrants, then discussing the processes used to meet the legal criteria needed to secure the search warrant (chapter 5). Chapter 6 discusses the various factors police consider when planning the execution of the warrant. Chapter 7 discusses the execution of the warrant, the securing of the location, and the searching of the home. Finally, Chapter 8 describes the property seized during a search warrant, the push to secure additional intelligence from the occupants of the resident, and the factors that determine warrant outcomes. Finally, Chapter 9 provides a summary of the key findings of the analysis. Then the chapter describes how detectives socially construct the importance of search warrants, the necessity of the raid as a tactic, and the manipulation of legal doctrine. The chapter ends with a discussion on the policy implications associated with the study and the limitations of the research.

CHAPTER II

LITERATURE REVIEW

Social Construction of Reality

Walsh (1985) suggests an arrest is the application of a legal criteria to solve a particular situation—the prosecution of crime. In this assertion, Walsh (1985) alludes to the officer evaluating behavior and situational factors to determine if a crime has occurred and what official response is necessary. This perspective recognizes that officer decisions are bounded in law, policy, and procedures, situating the officer's interpretation of events at the foreground of understanding police actions (Bittner, 1970; Brown, 1988; Hunt, 1985; Manning, 2001). A similar approach can be used to understand detectives' use of search warrants in prosecuting drug and gun crime. In particular, through the analysis of the detectives' frame of reference, a researcher can understand how the use of search warrants develops through the detectives' experience and interactions with others. To understand how detectives develop the use of search warrants in police work, the social construction of reality theoretical framework is deployed.

The social construction of reality perspective is grounded in the symbolic interactionist tradition (Collins, 1981). In the symbolic interactionist tradition social actions are viewed as being proactive in the creation of their world and in their communication with others (Blumer, 1969). Humans are social beings who are free to

create meaning and interact with others, but who are also constrained by the meaning developed through social interaction. In the process of social interaction people behave in response to the meaning assigned to them, and in doing so incorporate facets of these assigned meanings into their own definitions of themselves (Blumer, 1969; Cooley, 1902). This idea is found in Mead's (1934) concept of the "mind," which he views as a continual process of developing the social. The social refers to the process of transforming and remaking themselves when interacting with others. However, Mead (1934) notes that interactive processes can become institutionalized and routinized, where people continually remake themselves rather than exploring new potentials. It is the ability to be creative in interactions, yet the reliance on existing forms of social interaction that creates a contradiction that limits the potential for change (Goffman, 1961). Goffman (1961) suggests that ideas can become reified and appear normal.

The symbolic interactionist perspective emphasizes the potential for people to act in meaningful ways, by using language, symbols, and nonverbal cues, taking into account the meanings that others have of them, as well as constructing new meaning for the purpose of the situation at hand (Blumer, 1969). It is through this process that meaning is constructed. Humans are capable of creating meaning because they are capable of recognizing themselves in social interactions (Mead, 1934). Mead argues that the "self" develops from the process of role-taking. Humans have the capacity to put themselves in others' shoes and consider how they would act in similar situations. Mead (1934) suggests that the self is composed of the "I" and the "Me." The "Me" is formed by internalizing the attitudes of others. Goffman (1959) extended conceptions of the "Me" by showing people can manipulate how others see the "Me" by presenting our social

selves in different forms. In other words, Goffman argues we can hide our true "Me" in the backstage. Mead (1934) notes that how someone responds to the community's internalized "Me" expose the form of the "I." Mead (1934) notes the "I" is the un-socialized part of the "self" whose response is uncertain. Within the "I" we are capable of playing certain roles, avoiding other roles, and performing roles that we perceive others to expect of us (Schutz, 1967).

The symbolic interactionist perspective notes that humans are capable of being a subject and an object in any activity. Humans are capable of directing their action towards others because they interact through the use of symbols. Symbols allow humans to make an object, action, or image stand for something else, which is recognized by the communicator and receiver. The use of significant symbols is evoked in other people's sets of meanings. Symbols not only represent an object, but can also indicate a course of action (Blumer, 1969). According to Blumer (1969: 9) the meaning of exchanged gestures has three components:

> It signifies what the person to whom it is directed is to do; it signifies what the person who is making the gesture plans to do; and it signifies the joint action that is to arise by the articulation of the acts of both.

These components can be applied to a detective knocking on the door during the execution of a search warrant. First, the detective announces to the resident to open the door for the police to serve a search warrant. Second, there is an indication of what the resident intends to do. Finally, a joint indication of the act being formed occurs. The detective must determine whether the resident will open the door or if he/she needs to break the door down. The action of the detective, therefore, is influenced by the interpretation of the anticipated response of the resident. The detective's decision is

influenced by his/her ability to take the role of the other person, and how he/she interprets the likely reaction of the resident.

Blumer (1969) also recognizes that not everyone interprets symbols and gestures in the same way. We are capable of interacting even when there is not shared or reciprocal meaning. The detective executing the warrant may have a different interpretation of the resident's intent than the resident of the home, but the detective stills acts based on his/her construction of the interaction. The abstract form of social interactions assumes equal power between those engaged in an interaction; however, when the police are involved there is often asymmetrical power. The police maintain primary power in the communication between senders of messages and those receiving them.

A key component of the symbolic interactionist perspective is the recognition that all facets of society are a social construction. This is not to say that society is not real, but rather society consists of individual persons who act together in a series of joint activities that builds the totality of interactions (Blumer, 1969). These constructed interactions can be viewed in person-to-person interactions as well as larger units such as police departments. The symbolic interactionist perspective does not deny social structure; rather, it recognizes social structure to be a chain of meaningful interactions (Collins, 1981). This implies that decisions made by detectives in the search warrant process are formed through multiple interactions. These interactions involve the law, the detective's colleagues, the police organization, citizens, and broader social constructions of crime control, among others.

The key to understanding the detectives' use of search warrants is by understanding how these interconnected social processes appear to form an objective reality. Berger and Luckmann (1966) note that humans create a series of interconnected social processes that appear to form an independent existence outside of the people who create them. In this study, it is the focus of how detectives see the search warrant process as legitimate and independent of socially constructed meaning. Berger and Luckmann (1966) recognize that individuals lose sight or reify their role in constructing their own realities. For instance, detectives may lose sight of their role in legitimating search warrants as a seemingly necessary crime control measure.

Berger and Luckmann (1966) view all social phenomena as typifications that appear as independent and objective actions, while simultaneously being created from subjective experiences. These typifications arise from externalization, objectification, and internalization (Berger & Luckmann, 1966). These terms can be illuminated through the use of arrests by police officers. As officers make arrests they interact and communicate their experiences with others. These interactions and communications occur with the arrestee, the officer's colleagues, the officer's organization, and in communication of arrests to broader society. Through these communications, the officers construct categories to define the events. These communications includes discussions about when arrests are needed, safety issues associated with making arrests, the quality of arrests, or excitement that may occur during an arrest. As time passes, these categories become objective realities and become institutionalized by the officer, the officer's unit, and the officer's organization. Eventually, these processes begin to appear independent of the people who create them. As the processes continue, the officer(s) continues to legitimate

this independent existence of the institutionalized typifications of arrests. Finally, this knowledge is communicated to other members of the organization and society who internalize it and take it for granted as a necessary component of police work. This process can be succinctly described by Henry (2006: 137) who notes: "The overall effect of these three ongoing processes [externalization, objectification, and reification] humans lose sight of what they author or create and thereby lose sight of their ability to change the apparent objective reality that stands before them."

The social constructionist perspective, grounded in symbolic interactionism, argues that humans play an active role in the construction of meaning. Through social interaction people exchange ideas and are capable of evaluating themselves through this process (Berger & Luckmann, 1966; Blumer, 1969). The particular roles detectives play in society, police organizations, and in attempts to control crime are formed by reviewing their conduct in interaction with others. Once the detective's role or purpose has become internalized, the officer has developed his/her sense of how to complete his/her job. The socially constructed typifications of detective work represent a legitimized body of knowledge that the detective believes to be objective knowledge. Through the empirical examination of detective work in relation to search warrants, the researcher can gain an understanding of the stock of everyday commonsense knowledge that the detective applies throughout the search warrant process. The purpose of the study then becomes to understand the formulation, application, and impact of detectives' use of search warrants constructed by individuals around a series of social interactions.

This study is not the first to apply theoretical frameworks from the symbolic interactionist or social constructionist perspective to explain police behavior. Walsh

(1985) used the social construction perspective to explain the application of felony arrests. Manning (1998) has applied dramaturgy to the construction of crime statistics by the New York Police Department. Van Maanen (1978) explored how police respond to persons who violate their symbolic authority. Kappeler and Potter (2005) use a social construction perspective to deconstruct several myths associated with police work. These studies show the value of the social constructionist perspective in understanding police behavior, and illuminate the symbolic nature of police work. The research shows that the police manage uncertainties by manipulating symbols and rhetoric representing their actions as coherent, yet in the process they partake in the construction of externalizing, objectifying, and internalizing a variety of myths. It must be said that the social construction of police work is dynamic and ever-changing, yet the symbolic meanings used to justify their actions are situated in the history of the police, police culture, and their decisions. To provide broader context for the police decisions, the following section provides an overview of the research on how police make stop and search decisions.

Police Stop and Search Decisions

Since the Wickersham Commission (1931), police scholars and practitioners have sought to understand police discretion. A large body of literature has examined the correlates of police officer decisions to stop and search citizens (Alpert, MacDonald, & Dunham, 2005; Dunham, Alpert, Stroshine, & Bennet, 2005; Johnson, 2007; Engel, Sobol, & Worden, 2000; Klinger, 1994; Mastrofski et al., 1998; Quinton, Bland, & Miller, 2000; Stroshine, Alpert, & Dunham, 2008; Vito & Walsh, 2008). These studies date back to the work of Skolnick (1966) who noted police officers develop a personality typified by suspicion, authoritarianism, and cynicism. One result of this working

personality is the construction of the "symbolic assailant." Skolnick suggested the symbolic assailant is typically a young, minority male living in a high-crime and low-income community. Since Skolnick's work, numerous studies have studied the correlates of police officer decision making. The following sections provided a review of the literature in three areas of police decision making: constructing suspicion, decisions to stop and search individuals, and decisions to conduct search warrants of homes.

Constructing suspicion. A considerable body of literature has developed to understand how police officers develop suspicion about persons and how these suspicions influence their actions (Brown, 1988; Heussenstamm, 1971; Johnson, 2007; Skolnick, 1966; Stroshine et al., 2008). This body of literature has recently grown in regards to racial profiling, but the concerns over police discretion and stop practices have existed since the Wickersham reports. This body of literature presents three general themes in understanding who the police stop: the symbolic assailant; known criminals; and inconsistent behavior. Each of these three areas is discussed in turn.

The first technique police use to generate suspicious is known as the symbolic assailant. Skolnick (1966) was the first to present the idea of the symbolic assailant. Skolnick argued the characteristics of police work serve to create officers with a working personality epitomized by suspicion, authoritarianism and cynicism. The working personality is particularly shaped by the ever-present element of danger which makes the police suspicious of persons and increases their attention towards potential harms. To reduce the potential for danger, the police develop notions of the symbolic assailant. The symbolic assailant is constructed using general characteristics of age, sex, race, socioeconomic status, and in some instances the location of the individual (Skolnick,

1966). These stereotypes lead officers to react when they observe the symbolic assailant and can result in stops, questions, and searches of the persons who fit these stereotypes. Skolnick (1966) recognizes individual officers develop slightly different versions of the symbolic assailant to represent their notion of a criminal.

Subsequent research supports and expands on Skolnick's notion of the symbolic assailant (Brown, 1988; Heussenstamm, 1971; Johnson, 2007; Stroshine et al., 2008). Brown (1988) in a study of patrol officers found officers regularly used citizen's appearance as an indicator of suspicious activity. Furthermore, the officers used appearance as an indicator for determining whether to stop and investigate a citizen. Johnson (2007) studied state troopers and found state troopers relied on motorists' race or ethnicity as an indicator of criminal suspicion. Research also suggests that officers extend suspicion from individuals to the vehicles they drive. For instance, Heussenstamm (1971) found officers find certain types of vehicles and the people who drive them to influence officers' attitudes and behaviors. Further, Johnson (2007) found state troopers use vehicle makes and models to formulate suspicion. Finally, Stroshine and colleagues (2008) identified several working rules police use to formulate suspicion. These officers identified older cars to be more suspicious; however, rental cars in certain locations were also suspicious.

The second technique the police use to seek suspicious behavior is identifying known offenders. Brown (1988) recognized officers regularly seek out persons whom they know from prior contact or possess information about the individual's reputation. The officers seek these individuals out because they assume they continue criminal activity and it is easy to identify the suspicious behavior of these individuals. Mastrofski

and colleagues (1998) conducted systematic observations of patrol officers in two cities. Their study examined the discretionary stops of persons and found that officers regularly stopped individuals about whom they had prior knowledge. Mastrofski and associates (1998) noted that officers stopped known persons because they believed the individual had an increased likelihood of being in possession of drugs or having an outstanding warrant. Interestingly, only five percent of the people stopped had outstanding warrants; however, over half of the stops of known offenders resulted in the discovery of criminal activity (Mastrofski et al., 1998). Vito and Walsh (2008) in a study of vehicle and pedestrian stops found the second most common reason for making a stop was prior knowledge about the citizen. Finally, Stroshine and colleagues (2008) found officers regularly stopped individuals they knew from prior arrests or incidents. In sum, the research indicated the police regularly stop individuals they have previously interacted with through investigations, arrests, or patrol. The officers were operating under the assumption that previous behavior is an indicator of current or future behavior (Mastrofski et al., 1998; Stroshine et al., 2008).

The final technique the police use to determine suspicion is strange behavior (Brown, 1988; Sacks, 1972; Skolnick, 1966). Sacks (1972) notes that officers are trained to understand what is different in an environment at a certain time and place. Since officers are trained to see what is different, they seek out incongruent activity in areas and use strange behavior to formulate suspicion. Sacks (1972) suggests that the constant patrolling of officers in the same locations allows them to understand what is normal in the environment, and when the officer perceives something is out of place, the officer can conduct further investigations. In addition, Sacks (1972) suggests that officers are also

able to see when criminals are acting normal, and can recognize when individuals are attempting to "blend in." Brown (1988) furthers this argument by suggesting that officers use incongruity as an indicator of suspicion. As officers patrol the same beats over and over again, the officers develop a sense of what is normal behavior in the environment. The officers become accustomed to the appearance of individuals and the vehicles in these locations, when something stands out they use this difference to investigate further. Brown (1988) provided one example of a poorly dressed male driving an expensive car as suspicious, and upon stopping the young man the car was reported stolen. Finally, Dixon and colleagues (1989) found that officers relied heavily on time and place, in addition to the appearance. Furthermore, Dixon and associates (1989) found that suspicion was intimately linked with decisions to stop and search individuals.

The research indicates the police use a variety of techniques to identify suspicious activity (Brown, 1988; Heussenstamm, 1971; Johnson, 2007; Sacks, 1972; Skolnick, 1966; Stroshine et al., 2008). An additional body of research has examined how police officers use this suspicion to trigger official actions. Several qualitative studies have acknowledged a link between suspicion and action (Brown, 1988; Dixon et al., 1989; Johnson, 2007; Skolnick, 1966). The growth of the research in decisions to stop and search individuals has grown out of the racial profiling research; however, several other correlates of stops and searches have been identified in the research literature.

Decisions to stop and search suspects. As the previous section noted, the police use a variety of techniques to establish suspicion. Once suspicion is established the police then must determine whether or not to act. Several studies have shown that establishing suspicion often leads to decisions to stop and/or search the individual (Alpert,

MacDonald, & Dunham, 2005; Dunham, Alpert, Stroshine, & Bennett, 2005; Paoline & Terrill, 2005; Rydberg & Terrill, 2010; Stroshine et al., 2008; Tillyer, 2014; Tillyer et al., 2012). Dunham and colleagues (2005) conducted a long term study of police officers in two cities. Through these studies they examined the factors that led to police action. Dunham and colleagues (2005) identified several characteristics that the police used to make decisions including behavioral characteristics (e.g., law violating behavior), police information about a citizen, incongruity, and vehicle appearance. Based on these decision points, the authors then determined what led to police action. The research studies indicate that behavioral characteristics were the strongest predictor of a decision to stop (Alpert, MacDonald, & Dunham, 2005; Dunham et al., 2005). While prior information, and time and place also predicted decisions to stop, a citizen's appearance did not (Alpert, MacDonald, & Dunham, 2005; Dunham et al., 2005). Appearance seemed to play a role in catching officers' attention, the officers in this study waited for a violation of traffic or criminal law before they stopped a citizen (Alpert, MacDonald, & Dunham, 2005). Additionally, the researchers found that commission of a criminal offense and/or prior knowledge predicted a police search (Alpert, MacDonald, & Dunham, 2005). Additional studies have included measures of suspect demeanor in statistical models of police searches (Paoline & Terrill, 2005; Rydberg & Terrill, 2010; Tillyer et al., 2012). None of these studies found suspect demeanor to be statistically related to search decisions; however, the qualitative work by Dunham and colleagues (2005) would suggest that statistical analyses are limited in their ability to explain police search decisions.

A second correlate to stop and search decisions is the influence of demographics, including race, age, and social class. First, a large body of research has examined the influence of race on stop and search decisions (Engel & Calnon, 2004; Engel & Johnson, 2006; Lundmann, 2004; Moon & Corley, 2007; Ridgeway, 2006; Roh & Robinson, 2009; Rojek, Rosenfeld, & Decker, 2004; Withrow, 2004). The research consistently notes that minority drivers are more likely to be searched (Engel & Calnon, 2004; Engel & Johnson, 2006; Moon & Corley, 2007; Rojek, Rosenfeld, & Decker, 2004; Withrow, 2004). This is a finding established across a variety of data sources and locations. For instance, Engel and Johnson (2006) reported that state highway police agencies are more likely to search minority drivers, while Moon and Corley (2007) found this same relationship for university police. The relationship between suspect race and search decisions is not universal, as Tillyer and colleagues (2012) reported that minority drivers were not more likely to be subjected to discretionary searches. Second, several studies have found that males are more likely to be searched than female suspects (Engel & Calnon, 2004; Fallik & Novak, 2012; Farrell et al., 2003; Lundmann, 2004; Paoline & Terrill, 2005; Pickerill et al., 2009; Rydberg & Terrill, 2010; Schafer et al., 2006; Tillyer et al., 2012). Antonovics and Knight (2009) were the only study that did not find a significant relationship between sex and the frequency of discretionary searches. Finally, several studies have found that lower class persons are subjected to more searches than middle or upper class persons (Black, 1976; Engel & Calnon, 2004; Lundmann, 2004; Paoline & Terrill, 2005). Overall, the research supports Skolnick's (1966) idea that the police develop conceptions of the symbolic assailant which are largely based on demographic

characteristics. Once the police develop their stereotypical criminal, they are more likely to stop and search these individuals.

Several other factors in police decisions to search have been examined. For instance, two studies have measured the presence of weapons on decisions to search. First, Paoline and Terrill (2005) found that the presence of a weapon had no impact on search behavior. Second, Rydberg and Terrill (2010) found a significant correlation between weapon presence and search decisions. What makes these contradictory findings interesting is they both used the Project on Police Neighborhoods (POPN) data set to conduct their analyses. These two studies also examined whether suspect resistance influenced search decisions. Paoline and Terrill (2005) found that resisting the police increased the likelihood of search, while Rydberg and Terrill (2010) found no relationship. These studies used different measures of resistance which could explain the different findings. It is likely that persons who resist are more likely to be arrested and as a result subjected to a search. Paoline and Terrill (2005) examined the relationship between arrest and search and found a positive correlation, as did Lundmann (2004). Finally, studies have found that while anticipated violence had no influence on search behavior (Paoline & Terrill, 2005), the number of officers present increases the likelihood of searches (Rydberg & Terrill, 2010), and proactive police work were more likely to result in police searches (Fallik & Novak, 2012; Rydberg & Terrill, 2010).

The aforementioned body of research examined the correlates of stop and search decisions, however, these studies often did not take into account whether the police were accurate in their assessments. That is, whether the working knowledge police use to establish suspicion or search a vehicle results in a finding of crimianl behavior or

evidence thereof. Several studies have examined the reliability of police assessments (Benner & Samarkos, 2000; Dominitz & Knowles, 2006; Gross & Barnes, 2002; Lundmann, 2004; Minzer, 2009; Van Duizend, Sutton, & Carter, 1985). For instance, Minzer (2009) found that warrantless searches have a low rate of success. Dominitz and Knowles (2006) found that police warrantless searches of cars resulted in finding contraband in only 11 to 22 percent of cars stopped for traffic violations. Furthermore, Dominitz and Knowles (2006) show that white drivers had the highest rate of contraband found compared to other races. Gross and Barnes (2002), in a study of Maryland warrantless probable cause searches note the police were successful in finding contraband only 52 percent of the time. These numbers are concerning as they suggest the police regularly err in their assessment of suspicion. Furthermore, researchers note that officers regularly fabricate reports or provide false information to conduct stops and searches of persons, which would suggest the true success rate may be lower (Lundmann, 2004). These data indicate that beyond decisions to stop and search drivers, researchers also need to pay attention to what is found during these searches.

Overall the research on police decisions to stop and/or search suspects indicates that demographic factors, suspect demeanor, police suspicion, the presence of other officers, the presence of weapons, and the threat of violence all influence the likelihood of search. Most of this research has focused on statistical analyses of the correlates of search decisions and have not provided detailed description of the police officers decisions. For instance, the qualitative work by Alpert and Dunham (Alpert, MacDonald, & Dunham, 2005; Dunham et al., 2005) finds that police suspicion influences their decision to stop, although the quantitative studies do not find this relationship. Another

finding in this body of research is the absence of studies focusing on police decisions to obtain search warrants to search vehicles and especially homes. This gap in the research is important as obtaining search warrants required officers to take additional steps, which may alter the search decision-making process. Furthermore, studying the use of search warrants by the police allows the researcher to understand how the police interact with legal restrictions on police behavior (Fogelson, 1977; Klockars, 1988; Reiss, 1992; Skolnick, 1966).

Police use of search warrants. Few empirical studies have examined the role of search warrants in police work. Police must meet specific legal criteria to obtain search warrants, but once obtained the police are able to enter a citizen's private residence or property (e.g., car) to search for evidence of criminal activity. Few studies have examined how police use search warrants or asked police about their perceptions of search warrants. Furthermore, studies that examine the correlates of search decisions have ignored the search warrant in their analysis. A handful of studies have provided descriptions of how the police use search warrants in crime control efforts and how police navigate the search warrant process (Chambliss, 1999; Cohen, Gorr, & Singh, 2003; Goffman, 2014; Hunt, 2010; Skolnick, 1966; Way & Patten, 2013).

Skolnick (1966) was one of the first scholars to consider the role of search warrants in police practices. Skolnick's (1966) study revealed the common practice of police skirting constitutional standards during searches. Furthermore, Skolnick shows that police violated constitutional practices for the purposes of discovering and prosecuting crime. Skolnick notes that the awareness of violence, discretion awarded to police, use of informants, and push for efficiency creates an organizational culture that

makes it beneficial for officers to skirt the rules of legality. The social expectation is that the courts will be able to control police behavior through their rulings, and Skolnick notes the importance of the exclusionary rule in controlling police behavior. Skolnick notes, however, that the expectations of police efficiency generates pressure that can lead to the police circumventing the procedural requirements of search warrants, such as falsifying physical evidence or using unreliable informants to secure warrants. Skolnick notes that officers who only use legal means to achieve warrants are unlikely to produce enough arrests to justify their position and would receive criticism from supervisors. To avoid ridicule, it is common for officers will use his/her experience and suspicions to search a house or person and if he/she finds evidence of a crime, will construct a description after the fact to justify the search. The quest to identify criminal activity and make arrests while staying within the legal boundaries of police work presents contradictions that are difficult to overcome.

The totality of Skolnick's analysis shows that the police are not as concerned with gaining convictions as they are arrests, and the police often view the courts as incompetent. The experienced officer on the street claims to be a good judge of guilt and this knowledge is often challenged by judges in their evaluation of officers' arrests. As a result, the police generate other means of success outside of the conviction, through justifying their actions by getting drugs off the street or retrieving unlawful weapons. Even if the police fail to gain the conviction, the officer can still receive praise from his/her supervisor because of the aforementioned activities. The police officer begins to justify illegal searches and foregoing a conviction by removing narcotics from the street. Furthermore, Skolnick (1966) shows persons who are subjected to illegal searches find

dropping this matter acceptable if the charges are dropped. The ability of the police officer to use discretion to appease organizational superiors takes primacy in the officer's day-to-day activities, even if it comes at the cost of taking criminals off the street. Perhaps the most important outcome from Skolnick's analysis is evidence of how the law works or does not work in controlling police behavior.

Manning (1980) in *The Narcs' Game* describes how two drug units in a large metropolitan police department enforce drug laws. During this research Manning observed a full range of police activities including interrogations, surveillance, arrests, and serving search warrants (raids). Manning's study entails observations with narcotic enforcement units in a single metro area that covers urban and suburban environments, allowing him to compare strategies in varying locations. Manning (1980) finds that search warrants are a common practice in metro narcotics enforcement. Manning (1980: 150) states "the search warrant, when served, can be the basis for an arrest or arrests, and/or seizure of illegal substances, paraphernalia, stolen property or guns." Manning (1980) indicates that using search warrants or raids is not common in suburban areas. Manning provides extensive description of a raid conducted by the detective unit operating in the suburban location. His description provides insight into the various stages in planning and executing the search warrant, as well as searching the residence. Manning (1980) is one of the few scholars who provide detail into the conditions officers decide to pursue warrants and execute warrants, while situating the purpose of search warrants into the larger organizational context.

Chambliss (1999) conducted a study with a Rapid Deployment Unit (RDU) in Washington, D.C. Metropolitan Police tasked with responding quickly to urban

disturbances. In particular, these RDUs were tasked with controlling inner-city drug and violence issues. Chambliss notes the RDUs conducted three crime control activities: the rip, vehicular stops, and serving warrants. Chambliss (1999) provides descriptions for two warrant cases he witnessed; both involve the search warrants for particular individuals. Chambliss uses these two warrants to describe the differences in police tactics in poor minority communities, and middle-class white neighborhoods. Chambliss notes aggressive police practices, including the use of search warrants, are overwhelmingly carried out in lower-class, minority neighborhoods. Chambliss (1999) also describes how society has constructed drug crimes in such a way, that the extensive use of search warrants is not questioned.

Hunt (2010) also provides insight into the use of search warrant raids by detectives. Hunt's study provides a narrative for how an NYPD Emergency Services team conducted a raid of a terrorist cell and stopped a suicide bombing. Unlike the work of Manning (1980) or Chambliss (1999), Hunt (2010) provides insight into the emotions that arise before raiding a residence. Hunt depicts the tension and fear the detectives experience as they get ready to raid an apartment potentially containing explosives. Hunt (2010: 79) depicts the focus of detectives before a raid, including tactics and concerns over safety: "the six cops on the entry team stacked up behind one another, in front of the apartment door, their only cover the bunker that Ryan was holding in his left hand. Had the door suddenly exploded, some or all would have been injured or killed." Furthermore, Hunt provides description of how detectives move through the room to secure the location and conduct their search.

In a different approach to research on police raids, Balko (2006) provides a historical overview of the use of paramilitary drug raids, and provides an extensive account of raids gone wrong. Balko (2006) informs the reader of the reality that over 40,000 raids occur each year, mostly for the purposes of low-level drug crimes. Balko (2006) provides evidence of over 100 botched raids, which includes conducting raids on the wrong homes, the killing of innocent suspects, police officers, children, and bystanders. Balko (2006) also notes that many of these tragedies resulted from the police not following basic operating procedures, such as conducting an investigation or conducting surveillance of the residence before conducting the warrant. Balko's (2006) study follows previous work that questions the purpose of the war on drugs and especially the use of aggressive tactics to enforce these laws (Chambliss, 1999; Fassin, 2013; Kraska & Kappeler, 1997; Manning, 1980).

Several other studies provide various insight into how search warrants (raids) are used as an instrumental tool to accomplish police goals (Cohen, Gorr, & Singh, 2003; Fassin, 2013; Goffman, 2014; Way & Patten, 2013). For instance, Goffman (2014) and Way and Patten (2013) describe how the police use raids to capture wanted fugitives. Neither of these studies address the warrant process in detail, rather they focus on warrants being one tool the police have at their disposal to accomplish their occupational and organizational goals. These two studies used qualitative research to understand how search warrants fit within the larger community and police practices. Goffman's research (2014) was the only one of these studies to account for the collateral consequences of these raids, describing how the raids cause physical damage to the residents' homes and emotional trauma to residents woken from their sleep to the sound of a police raid. Cohen

and colleagues (2003) took a different approach by systematically examining the impact of raids on drug sales. The study found that raids had a short-term impact on drugs and crime in the area, however, long-term impacts were not found.

The research on the use of search warrants by police officers is primarily based on qualitative studies. These studies provide insight into the purposes of the search warrants and the tactical approaches used to execute the search warrants (Balko, 2006; Chambliss, 1999; Goffman, 2014; Manning, 1980; Skolnick, 1966), but do not provide a complete overview of the process. As a result, additional research is needed to understand why search warrants are becoming a regular practice for police departments in the United States. In particular, the research needs to understand how detectives socially construct the need for search warrants and the processes detectives use to execute a search warrant. This study attempts to fill these gaps through an ethnographic study of two street-level detective units. The following chapter details the methods used to accomplish this study.

CHAPTER III

METHODS

Bourbonville

The present study takes place in Bourbonville (a pseudonym) which is located in a Southern-Midwest city in the United States. Bourbonville is a vibrant river city that has transitioned from an industrial city to one with a mixed economic base including manufacturing, service, and telecommunication industries. The city is a central hub for many surrounding cities and possesses three major interstates that increase its tourism industry. The population of Bourbonville is over 700,000 persons. Bourbonville appears to be a fairly prosperous community with an unemployment rate (7.3%) below the state average (7.4%) and a relatively high median household income ($53,341) (U.S. Bureau of Labor, 2014; U.S. Census, 2010). Despite the relatively high median income, 14 percent of the population still lives below the poverty line. In terms of ethnic composition, the city reflects other post-industrial cities. Caucasians make up approximately 74 percent of the community, African-Americans make up 20 percent of the population, and Hispanics make up 3.6 percent of the population (U.S. Census Bureau, 2010).

Bourbonville also experiences less crime than many similar sized post-industrial cities. In 2012, Bourbonville had a violent crime rate of 598 per 100,000 which was a third of the violent crime experienced in Memphis (1,750) and less than half of Milwaukee (1,294) (FBI, 2013). Furthermore, Bourbonville had a property crime rate of 4,293 per 100,000 persons. The property crime rate for Bourbonville was also lower than Memphis (6,312) and Milwaukee (5,043) (FBI, 2013).

Bourbonville Police Department

The Bourbonville Police Department (BPD) consists of over 1,200 sworn personnel. The Bourbonville Police Department is tasked with serving the major city of Bourbonville and most of the surrounding county. In total BPD is tasked with patrolling over 399 square miles, which his broken into eight divisions. Each of the eight divisions is assigned a Major who is responsible for operational and administrative management of the division. The eight division majors report to the Patrol Bureau Commander. The Patrol Bureau Commander (one of the two Deputy Chiefs) is responsible for the operation of the eight patrol divisions and the violent crimes response unit. The Patrol Bureau Commander reports to the Chief of Police. Bourbonville Police Department's organizational structure begins with the chief of police who is appointed by the Mayor. The command staff also consists of two deputy chiefs (patrol bureau commander and chief of staff), two assistant chiefs (Administrative Bureau and Support Bureau), and fourteen majors. The fourteen majors consist of the aforementioned eight division commanders, as well as a major overseeing special investigations division, major crimes division, special operations division, training division, narcotics/intelligence division; and administrative division.

The Units under Study

The present study examined two plainclothes street-level detective units within the Bourbonville Police Department. The two detective units were situated in different command structures within the department. One of the units was a city-wide street crimes unit tasked with reducing violent crime, especially gun-related crimes. The street crimes unit operated independently from the divisions, but provided assistance to BPD's patrol divisions and major crimes division. The street crimes unit was split into five platoons, as well as two canine officers, an administrative sergeant, and a lieutenant. There were four street platoons and one fugitive platoon, and each platoon consisted of five detectives and one sergeant. The street platoon sergeants reported to the Lieutenant commanding the street crimes unit. The Lieutenant, in turn, reported to the Patrol Bureau Commander. The street platoons were tasked with providing additional street enforcement in areas of the city experiencing violent crimes. The street platoons would move throughout the city as violent incidents occurred. These units' primary focus was on order maintenance practices and conducting investigations to arrest violent criminals and remove illegal guns from the streets. The street platoons worked Tuesday through Saturday, alternating the days and times they worked each week. The fifth platoon in the street crimes unit was the fugitive unit. The fugitive unit was tasked with tracking down wanted individuals. The fugitive unit worked closely with the divisions and major crimes to identify suspects wanted on murder, robbery, or other serious crimes. A total of 35 BPD personnel were assigned to the street crimes unit, with all but one being male, and experience ranging from 4 years to 27 years. There was considerable turnover in the unit, as over 13 individuals left the unit over the course of the study for a variety of reasons.

The second unit under study was a street-level narcotics unit housed within one of BPD's divisions. The street-level narcotics unit reported to one of the division Lieutenants as well as the division Major. The narcotics unit is tasked with handling division-level narcotics cases. These responsibilities include clearing drug complaints provided by citizens, as well as proactive work to reduce the illicit drug trade and its associated criminal activity. The narcotics unit is assigned one Sergeant and up to 12 detectives, however, the unit was understaffed with only eight detectives working within the unit during the study period. The detectives in this year were all male and ranged from 8 years to 19 years of law enforcement experience. The detectives in this unit worked eight hour shifts Monday through Friday.

The present study observed these two units from BPD from April 2013 through September 2014. The study used ethnographic methods to observe the detectives throughout the search warrant process. The study consisted of over 1,200 hours of observations and informal interviews. During this time period the researcher was able to observe 73 warrant searches of homes. The following sections provide background on the methodological approaches used in the study, as well as how the researcher obtained access, established rapport, accounted for validity issues, addressed ethical concerns, and coded information gained for analysis.

Ethnography

Ethnographic methods have a long history in police studies. The ethnographic approach has been particularly useful in discovering and understanding the world of policing. The police have historically been recognized as a difficult group to study because of their secretive subculture and their concern with public criticism (Westley,

1970; Skolnick, 1966). In spite of this perception, there is a large body of research based on ethnographic studies of police culture (Muir, 1977; Skolnick, 1966; Van Maanen, 1973; Westley, 1970), police behavior (Bittner, 1967; Fassin, 2013; Hunt, 1985; LaFave, 1965; Manning, 1980; Van Maanen, 1974; Walsh, 1985; Websdale, 2001; Wilson, 1968), as well as the role and experiences of police officers (Bayley, 1994; Katz, 2003; LaFave, 1965). Despite the widespread use of ethnographic methods to study the police, ethnographic approaches are not widely accepted in criminal justice (Greene, 2014). Greene (2014) criticizes recent police work for its emphasis on the outcomes of police action at the cost of understanding the meaning and process of many of these programs. While noting the outcome-based research is important, Greene (2014) advocates for greater use of ethnographic methods to provide thick description and situate policing within occupational and situational contexts.

Greene's (2014) argument echoes prior debates throughout the history of social science research. For instance, Malinowski (1922), one of the first researchers to live with the people under study, argued that researchers should go out and gain first-hand experience and observations of the culture under study. Malinowksi (1922) acknowledged that ethnographic approaches allow researchers to approach an inductive understanding of the subject's lived experiences within their cultural, social, political, and material conditions. Ethnographers are thus tasked with not only understanding the activities observed, but also the norms, rules, and meanings that are taken for granted by those they are studying (Denzin & Lincoln, 2005).

One of the initial challenges in conducting ethnographic work is defining ethnography. The definitions of ethnography are mired in disputes over the nature and

scope (Berg, 2009) of the methods practiced. For some academics, ethnography and qualitative methods are synonymous (Denzin & Lincoln, 2005), yet the focus of ethnographic work is on what Geertz (1973: 9-10) calls "thick description." Thick description entails the detailed description of specifics, and emerges through "establishing rapport, selecting informants, transcribing texts, taking genealogies, mapping fields, keeping a diary, and so on" (Geertz, 1973: 6). The purpose of ethnographic work is to understand a culture from the research subject's point of view. Van Maanen (1988) notes ethnography "rests on the peculiar practice of representing the social reality of others through the analysis of one's own experience in the world of theses others" (p. xiii). Kraska and Neuman (2008: 385) define ethnography as "a form of research which describes a culture and understanding another way of life from the native point of view." These definitions show particular commonalities in understanding ethnographic field research. First and foremost, culture is at the center of ethnographic inquiry. Second, culture is to be understood through observing and experiencing the expressions of culture. These elements form the basis for defining and conducting ethnographic inquiry.

In addition to defining ethnography, it is important to understand the process or methods used to conduct ethnographic research. In particular, one must consider the role of the researcher in the research process. Van Maanen (1988: xiii) suggests "ethnography is therefore highly particular and hauntingly personal, yet it serves as the basis for grand comparison and understanding within and across a society." Simply put, the researcher has a role in conducting the research and interpreting the observations. The researcher must place himself/herself in a position to experience the culture through observations or

through interviews with the subject. In addition, the researcher must be able to describe the culture by weaving the observations into a narrative that captures the essence of the culture understanding and communicates its unique features in a broader social context. The writing of ethnographic work is a key feature, as the narrative presented can alter the meaning for the reader. Van Maanen (1988) acknowledges the importance of the presentation of the material and breaks ethnography into the type of narrative presented: realist, conformist, impressionist, critical, formal, literary, and jointly told. Each narrative alters the meaning and inherently privileges some views and constricts others. As a result, it is necessary for the researcher to be aware of his/her biases and thoughts and disentangles what is observed from what is interpreted

Ethnographic work is best understood as a process. The researcher must overcome a series of obstacles to gain access to a culture or subculture. Once access is granted, observations must be made through direct experience of the events and discussions with the subjects under study. The data collection process must remain fluid to account for new insights into the object under study, as well as to address the often dynamic aspects of field work. The researcher must also accumulate all data and attempt to make sense of it, ultimately providing a narrative. As Denzin (1970) notes, the researcher must account for the "relationship between every day, taken-for-granted meanings, and the organization of these meanings into routine patterns of interaction" (p. 260). The following sections provide detail in how the researcher accomplished the ethnographic inquiry into detectives' use of search warrants. In particular, the following sections discuss access and rapport, techniques for observations and recording notes,

concerns for validity and reliability, ethical considerations, and the coding scheme used to analyze the data.

Access, Rapport, and the Researcher's Role

The ability to gain access to a particular field site is challenging for many reasons (Berk & Adams, 1970; Bulmer, 1982; Gagne, 2004) and once access is accomplished, gaining rapport can be problematic. When the objects of your study are involved in illicit or deviant behavior, whether as actors or crime control agents, access and rapport can present additional difficulties (Berg, 2009). One factor that impedes access is social distance. Berk and Adams (1970) indicate that the greater the social distance between the observer and subjects, the greater the difficulty in getting access and establishing rapport. Further, if the group is suspicious, gaining rapport will be more difficult. There exist a number of reasons why certain groups might be suspicious: illegal activities, improper behaviors, past experiences, and/or anxiety (Berk & Adams, 1970). Researchers have long noted the generally suspicious nature of the police and that studying undercover or detective units presents particular challenges, as they operate under sensitive conditions (Paoline & Terrill, 2014).

For the purposes of studying detectives' use of search warrants, access was granted through prior relationships with BPD command staff. The researcher had been working with BPD on a separate project to reduce violent crime, during which relationships were established and trust built with command staff. When the researcher decided to conduct a study on the use of search warrants by detectives, the command staff was willing to approve the project. While the researcher worked on the initial project to reduce violent crime, he had access to individual members of investigative units. The

access resulted in frequent contact with detectives in the street crimes unit and, over time, relationships were established. As a result, for the current project, gaining access to the street crimes unit was straightforward. Access to the narcotics unit was derived through command staff. The division commander and lieutenant of the narcotics unit gave permission, and through meetings with the sergeant of the unit, access was granted. In police research access is always temporary; the researcher is one highly publicized event away from being removed from the field for the police to protect their interests. As a result, access was dynamic and the researcher had to be conscientious about when to take breaks in the research. Johnson and Clarke (2003) note the constant negotiation of access is one of the challenges researchers must confront in ethnographic research. They acknowledge that a researcher must also confront his/her own insecurities towards their experience, confidentiality concerns, role conflicts, the impact of the research on the participants, and feelings of isolation (Johnson & Clarke, 2003). While access to the research site came easy, establishing rapport was a greater challenge.

In establishing rapport, the investigator must determine which role they will play and be regarded as a participant (Kluckhohn, 1940). A part of this role is being aware of the biases inherent in these roles. Gaining access to certain populations and building rapport with specific individuals inherently restricts your access to other populations (Jacobs, 1977). An important aspect of establishing rapport is for researchers to realistically evaluate their ability to pass in the role they decide to play. Successfully taking on a role presumes the investigator understands the norms, manners, and styles of the setting and that they are capable of assuming a presentation of self that convincingly accounts for their presence (Gagne, 2004).

Gaining access to the research site and developing rapport with individuals present at the research site is both determined by and determines the role the researcher will play. If the researcher takes on a particular role to gain rapport, whether covert or overt, if their cover (role) is blown, it will result in distrust and their rapport will quickly dissolve (Gagne, 2004). Researchers have identified a wide range of roles a researcher can adopt to get access to a research site and build rapport. The body of literature discussing the researcher's role is found in participant observation. There is considerable variation in the nature of participant observation, yet certain classifications do exist (Becker, 1958). The role adopted by a researcher typically varies on how open the researcher is with his/her subjects and the degree of social distance maintained by the researcher. Junker (1960) describes four observational roles. First, there is the complete observer, which is completely non-participatory. The researcher merely lingers somewhere in the background, hopefully unnoticed, and observes the group from the outside. Second is the observer as participant. Within this observational role, the researcher participates in the group with their status as a researcher known to the group. In addition, the researcher's contact with the group is limited. Third is participant as observer. Like observer as participant, the researcher is overt. The difference is that participant as observer involves the researcher developing greater rapport, greater trust as a "friend" to individuals within the group under observation. The social distance is much more intimate. Finally, there is the complete participant. Within this role, the researcher acts as a full member of the group under study and, though not in all instances, is generally engaged in covert observation. That is, the individual's status as researcher is not known to members of the group.

Adler and Adler (1987) suggest that three roles exist for the field researcher: peripheral membership, active membership, and complete membership. Each of these roles involves the researcher participating in the activities of the group and taking on an overt role. Peripheral membership entails regular contact with members of the group under study, and involves acquaintanceships or close friendships with key informants. This role is considered marginal and requires the least amount of commitment. The active membership role requires the researcher to maintain a more functional as well as an observational role in the group. The active role in the group facilitates trust, and also increases the identification of the researcher with members of the setting. As a result, the researcher needs to be reflexive and would benefit from periodic withdrawal from the research setting. Finally, complete membership involves full participation and close interaction with the group understudy.

Bulmer (1982) discusses two unique participant observatory roles. The first is retrospective participant observation. In this role, the researcher pulls from prior experience to inform the researcher. During the period of observations the researcher is oblivious to the fact that their experiences could be used for data at a later point in time. Only later, through the lens of hindsight does the researcher come to view their experiences as valuable data. Recently, this type of observation has taken off within auto-ethnography and instant ethnography. The second observational method described by Bulmer (1982) is native as stranger. Here, rather than a researcher "going native," a person who is already native in the group is trained to make sociological observations. In this sense, instead of the outside observer becoming an insider, the insider becomes the outside observer.

Tewksbury (2001) offers another role for researchers, the potential participant. The potential participant combines the aspects of complete participation and covert observation. The potential participant seeks to appear as a member of the research setting, the researcher is covertly recording observations. Tewksbury (2001, 2002) has applied this method in several studies to get access to difficult populations.

For the purposes of studying detectives' use of search warrants, the researcher adopted an overt participant observation role. The purpose of adopting the overt role is to overcome the distrust police have towards outsiders. Early in the research project the detectives expressed concerns regarding the information that would be shared and whether the researcher was "worthy" of their trust. In order to ease their concerns, the researcher emphasized that the study was not focused on the detectives as individuals, but in how they use search warrants to accomplish their goals. When conducting research with the police, researchers are limited in the role they can adopt. There are several hurdles to becoming a full participant, such as not being a sworn officer, receiving training in police tactics, having arrest powers or carrying a weapon. As a result, the researcher adopted what Junker (1960) would call participant as observer and Adler and Adler (1987) would call active membership. While conducting the research, the investigator had a close relationship with the detectives under study, but was limited in his ability to engage in "group" activities. For instance, the researcher was able to be physically co-located with the detectives. This resulted in a first-hand understanding of the detectives' experiences and the ability for the researcher to understand how the social milieu within which they worked influenced their world view. However, the participation by the researcher was limited to non-law enforcement activities, including

eating dinner and running errands. This role contributed to the development of rapport with the detectives as the researcher assisted the police officers in carrying equipment, providing notepads or pens, writing down license plate numbers, and most importantly, not interfering with their ability to engage in their duties. The establishment of this rapport was based on the researcher's ability to "blend in" with the detectives and to learn the informal mores of the group. These mores consisted of expectations that the researcher would not "speak out of turn," would not share sensitive information with suspects or civilians, or make detectives feel the researcher needed any special protections. As an active member of the group it was important that the researcher avoid creating disruptions or interfering with the detectives' activities and any information obtained would not be shared with other units or command staff. As the research continued, the detectives would often comment about what the researcher should include or discuss in the research report and, in this sense, the research subjects became active participants in the research project. The active role the detectives took in the research reflected the trust built between the researcher and the detectives, which facilitated data collection. The active role reflected the detectives were not concerned with the researcher's presence and acted in the same manner as when the researcher was not present. This indicates to the researcher that the distrust and suspicion that plagues police research was largely overcome.

Field Observations

The observer role established in this study allowed the researcher to accompany officers as they completed their responsibilities on each shift which averaged 8 to 10 hours in length. As an active member the researcher was able to openly record notes

using a notebook and/or the notepad feature on his cell phone. Because the detectives are accustomed to taking notes while working, the researcher's notes blended in with the normal routines of detectives. These field notes were taken in short-hand and were later transcribed into full detail. The field notes recorded included observations from the researcher as well as responses from informal interview questions. The field notes focused on the everyday experiences of the detectives in the two units. They included observations on the perceptions and meanings of the units' purpose in fighting crime, their experiences on the job, and most importantly how they use search warrants to accomplish their occupational responsibilities. Special attention was paid to how detectives develop investigations, when they determine a search of a home is necessary, how the detectives obtain search warrants, how the detectives plan and execute search warrants, how detectives search homes, and how detectives determine success in executing search warrants. The use and execution of search warrants is complex and involves multiple facets of detectives' day-to-day responsibilities, perceptions, and behaviors. As a result, the field notes also included activities performed by detectives outside the scope of the search warrant process. These observations included detectives securing crime scenes, conducting training, eating dinner, and numerous "water cooler" conversations not related to search warrants.

Validity

In any research endeavor there are concerns about the validity and reliability of the findings. Ethnographic research is noted for its flexibility, proximity to the research subject, and ability to create new insights into cultures (Denizen & Lincoln, 2005). Ethnographic research, however, has also been criticized for the validity the findings

(Berg, 2009). For instance, Becker (1958: 653) summarizes the problem of validity in participant observation research when he states:

> Observational research produces an immense amount of detail description; our files contain approximately five thousand single-spaced pages of such material. Faced with such a quantity of 'rich' but varied data, the researcher faces the problem of how to analyze it systematically and then to present his conclusions so as to convince other scientists of their validity. Participant observation (indeed, qualitative analysis generally) had not done well with this problem, and the full weight of evidence for conclusions and the processes by which they were reached are usually not presented, so that the reader finds it difficult to make his own assessment of them and must rely on his faith in the researcher.

At the core of the problem, as identified by Becker (1958), is that an essential component of qualitative research is to present the processes through which conclusions are reached to the reader so they can determine for themselves if the results could have logically emerged from the method or if the method is flawed in its design. In essence then, one way to increase the validity of a qualitative study is to be completely open and present the reader with all details concerning the approach (method) taken to arrive at the stated results.

Another validity concern which plagues field research concerns the credibility of informants (Becker, 1958). It is wholly possibly for informants to lie to the researcher and portray roles and identities divorced from those which they would have performed in the researcher's absence. Concern for internal validity is particularly important in studying the police, as prior studies note the police are beset with secrecy (Skolnick, 1966; Westley, 1970). As such, the police may be more likely to develop a pro-social identity more favorable than that which they would assume in the absence of the researcher. This could erode the authenticity of the observations (Katz, 2003). For example, Mastrofski and Parks (1990) suggest direct observations of the police can result

in biased information. In particular, they argue that police may feel an observer does not comprehend the realities of police work, and therefore will not understand the complexities of police decision making. Therefore, they do not act in authentic ways and do not engage in "normal" behaviors in the presence of the researcher. One way to try to overcome this problem is through prolonged observations (Kraska & Neuman, 2008). It is difficult for anyone to "keep up appearances" and to engage in non-normal behaviors for any length of time. The police will, eventually, engage in normal behaviors, even in the presence of the researcher. Similarly, individuals will eventually "forget" the presence of the researcher. As the researcher "fades into the background" of the social context and "disappears" within the group, police will start to follow their normal patterns of behavior. The longer the researcher is observing, the greater the likelihood one or both of these "returns-to-normal-behavior" will occur. Another way in which researchers can overcome the issue of informant credibility is by developing rapport (Berk & Adams, 1970; Gagne, 2004; Kraska & Neuman, 2008). Not only does good rapport yield better access in the field, it also increases the likelihood of receiving credible accounts of events because rapport is based on trust and simultaneously builds additional trust. The greater the rapport, the less the consequences the observer will be viewed as judgmental or otherwise passing judgment on a subject's behavior.

A second concern with validity is that while statements by informants "cannot be taken at face value... [they cannot] be dismissed as valueless" (Becker, 1958: 655). Mastrofski and Parks (1990) note that information from police officers will often be characterized by response bias, that is, the police telling researcher what they think he/she wants to hear, resulting in information that is not valid. Researchers can overcome this

form of bias by triangulating information with other data (Becker, 1958; Kraska & Neuman, 2008). In other words, false information can be assessed against other pieces of data. It should be noted that Sandberg (2010) suggests researchers should not be concerned with the credibility of informants' statements. In particular, research using social constructionist perspectives acknowledge "whether true or false, the multitude of stories people tell reflect, and help us understand, the complex nature of values, identities, cultures, and communities" (Sandberg, 2010: 447). As such, understanding the narratives provided by the detectives, even the lies, provides insight into the cultural norms and understanding of the research subjects.

Ethics

A second concern with conducting ethnographic research is ethical in nature. Ethics are a concern in research as the researcher has a responsibility to conduct research in such a way that potential harm to the participant(s) is minimized as much as possible. To minimize harm the research study complied with the ethical standards mandated by the University of Louisville's Institutional Review Board. Three primary ethical concerns were identified, by the researcher, as present within the current research. These were: confidentiality; voluntary consent; and witnessing deviant behavior. While confidentiality and voluntary consent are fairly standard, as concerns for research using humans as subjects, witnessing deviant behavior is less frequently raised as an ethical concern. However, within social science/ethnographic research on deviant groups or groups with the potential to engage in deviant behavior in the presence of the researcher, this is a recurring concern.

Confidentiality as a protection for human subjects means the researcher collects data with identifying information, but the researcher does not disclose the "identifiers" of the source of the information or the information in any manner that would result in the identification of the source to protect the research subjects (Kraska & Neuman, 2008). In the present study, confidentiality could be achieved but anonymity was not possible. The inability to provide anonymity comes from the active presence of the researcher in the social milieu of the subject and others outside of the researcher and the subject knowing about the presence of the researcher. The researcher knew the identity of the individuals who were "observed" and so did others. Confidentiality could be provided in the manner in which the findings are presented - in aggregate form - with no individual identifiers. Additionally, other precautions were taken to protect the confidentiality of the police participants. First, all participants were assigned pseudonyms to be used in field notes and in the narrative. All field notes were taken without using the names of detectives and steps were taken to ensure all data was protected and stored without the individual identifiers for each subject. A master list containing the names of the detectives and the pseudonyms used in the note taking, data analysis, and report writing was kept in a secure location that can only be accessed by the researcher. While total privacy cannot be guaranteed, it was protected to the extent permitted by law. No personal identifying information was published. Finally, the researcher followed the advice of Berg (2009) and delete all identifying information from the data when the analysis is complete. Another challenge with studying police officers is that they interact with third-parties (the public). As a result, identifying information of persons interacting with the police are limited to demographic characteristics. The researcher was also given access to license

plate numbers of vehicles stopped and the addresses where search warrants were executed, this information was not recorded in the field notes. Instead, the researcher provided minimal physical descriptions of cars (e.g., style and color) and homes (e.g., two-stories). Lastly, the areas in which officers operated were not identified, instead general geographic information is provided. That is, the researcher does not indicate a stop was made at 28th and Broadway, instead, the researcher notes the police were operating in the western district of the city.

A second concern with ethnographic research is obtaining voluntary consent. Voluntary consent respects an individual's right to decide whether or not to participate in a research project as a subject. The researcher should "never force anyone to participate in research, and ... [not] lie unless it is required for legitimate research reasons. The people who participate in crime and justice research should explicitly agree to participate" (Kraska & Neuman, 2008: 119). Voluntary consent was established early in the project through informal discussions with all of the detectives. During these discussions the researcher explained the project and notified the detectives that they did not have to participate. One challenge in studying the police is the hierarchical nature of police organizations. In particular, lower level officers can potentially feel forced to agree to participate in research by commanders. To avoid this situation, the researcher avoided riding with detectives who did not appear comfortable having the researcher accompany them. In one instance, a detective the researcher was avoiding asked why the researcher never rode with him. Because of the various issues related to confidentiality that can be breached by the use of written informed consent documents, the researcher was able to obtain a waiver for written informed consent. Instead, consent was obtained verbally and

informally. This is much more consistent with the nature of police and the culture of their work organization.

The final ethical concern in conducting research that involves subjects such as the police is witnessing deviant behavior. The witnessing of deviant behavior is always a concern in criminology and criminal justice research (Berg, 2009; Ferrell, 1993; Miller & Selva, 1994; Tunnell, 1998). It is particularly challenging when studying the police. When conducting ride-alongs the researcher witnessed suspects committing crimes. Because of this, the researcher was exposed to the potential to be called to testify in court concerning crimes that had been observed. Even more daunting was the possibility that the researcher would witness illegal behavior committed by the police subjects. Obviously, the necessity to testify in court can be time consuming and interfere with the goal of the research project. More significantly, if the police subjects thought every time they engaged in deviant behavior the researcher would report those behaviors to their supervising officer, little rapport would develop and the quality of data obtained would be compromised. To address these concerns the researcher balanced the ethical and legal costs of witnessing this behavior. The researcher established parameters for when he would report deviant activity. Early on, the researcher indicated to the research subjects that if subpoenaed he would not lie. It is possible that this assertion limited what the researcher was allowed to see, potentially harming the validity of the study; however, the long hours spent with detectives mitigated the hidden workings of the detectives under study and exposed the researcher to the normal work functions of the detectives.

Data Analysis

After addressing the methods used in this study to collect information and to increase the validity of the information provided, the final component of this section contains a description of the coding scheme used to prepare the data for analysis. Analytically, the purpose of this study was to uncover and explicate the ways in which detectives obtain and use search warrants of homes to accomplish their occupational mandate. The use of ethnographic methods was adopted to better understand the decisions made throughout the search warrant process, as well as how detectives manage and confront their day-to-day situations.

The coding approach used in this current study is grounded theory (Charmaz, 2002, 2006; Clarke, 2005; Corbin & Strauss, 1990; Glaser & Strauss, 1967). Charmaz (2002: 675) notes that grounded theory methods of analysis "…consist of flexible strategies for focusing and expediting qualitative data collection and analysis" and "…provide a set of inductive steps that successively lead the researcher from studying concrete realities to rendering a conceptual understanding of them." The conceptualization offered by Charmaz denotes that grounded theory is both a technique for coding qualitative data and for developing theory. The use of grounded theory in this study focuses largely on the coding techniques, although the study seeks to enhance the theoretical veracity of the social constructionist perspective in understanding detectives' use of search warrants. Furthermore, it should be said that "…data and theorizing are intertwined. Obtaining rich data provides a solid foundation for developing robust theories" (Charmaz, 2002: 677). The emphasis on using grounded theory approaches is to use inductive processes to understanding how police use search warrants.

The grounded theoretical coding technique was originally developed by Glaser and Strauss (1967) in *The Discovery of Grounded Theory*. Glaser and Strauss (1967) set out to respond to the belief that theory should be developed before data is collected to test the theory. Glaser and Strauss (1967) believed that theory comes from data, and that researchers should seek news ways for discovering theory. In 1990, Corbin and Strauss deconstructed grounded theory into a series of requirements. Corbin and Strauss (1990) acknowledge that the first requirement is that analysis begins as soon as data is collected. That is, grounded theory requires the researcher to constantly analyze new data to guide future research and it allows the qualitative inquiry to evolve while the researcher is in the field. Further, Charmaz (2002, 2006) argues that researchers should use theoretical sampling throughout the research process to further develop and refine their conclusions. The first requirement evokes the nature of grounded theory to be an active and ongoing process.

The second requirement advocated by Corbin and Stress (1990) is that concepts are to be developed as the basic units of the analysis. From this perspective, events become the indicators of the phenomena under study and are given conceptual labels. These concepts are then pulled together into broader categories, which is the third requirement. Corbin and Strauss (1990: 7) state "concepts that pertain to the same phenomenon may be grouped to form categories," which means these categories need to be continually refined. The fourth requirement of grounded theory holds that researchers must continue to draw samples from the data to evaluate the dimensions and variations in the concepts. The fifth requirement also encourages the researcher to compare the data, concepts, and categories. From this perspective the findings are constantly challenged or

validated through comparison of the data. Building on this process, the sixth requirement dictates that data must be "examined for regularity and for an understanding of where that regularity is not apparent" (Corbin & Strauss, 1990: 10).

According to Corbin and Strauss (1990) the seventh requirement of grounded theory is that the entire analysis is a process. Simply put, the research process should be iterative and multileveled to fully develop the various components of the concepts. One component of the iterative process to use theoretical memos to establish analytical notes for different concepts and patterns identified in the analysis. This process is considered the eighth requirement. The theoretical memos allow the researcher to understand how the analysis is built throughout the entire process.

The ninth requirement holds that the researcher develops predictions about the data which can be evaluated throughout the research process (Corbin & Strauss, 1990). The predictions developed do not follow positivistic logic; rather the predictions are used to refine the research process. The final requirement of grounded theory dictates the researcher should contextualize the data and findings within broader structural conditions. Furthermore, Corbin and Strauss (1990) argue that the structural conditions then must be tied to theory. Corbin and Strauss (1990: 11-12) hold, "It is not appropriate simply to list them or refer to them as a background for 'better understanding' of what one is studying. It is the researcher's responsibility to show specific linkages between conditions, actions, and consequences."

The study follows the guidance provided by Corbin and Strauss (1990) but also adopts elements of coding from other researchers, especially the work of Van Maanen (1979). From his work in organizational environments, Van Maanen (1979) suggests that

researchers must be attuned to first-order and second-order concepts. Van Maanen states (1979: 540) "…first-order concepts are the facts of an ethnographic investigation and the second-order concepts are the theories an analyst uses to organize and explain these facts." Van Maanen recognizes that in any research project, what the participant states is often a first-order conception of the event. For instance, when a police officer states, "He hates paperwork," the officer is displaying a sense of social structure—a first-order concept. In addition, the statement also holds second-order conceptions such as the role of the officer to the command staff or the routinization of police work. The researcher's second-order conceptions arise from the interactions with officers and the observations of the officers. Van Maanen (1979) simply holds that first-order concepts arise from the participants, while the second-order conceptions come from the researcher. During the data collection period, this researcher separated first-order and second-order concepts; however, additional analysis was needed to address how to identify thematic groups and sub-groups to understand the various decision points detectives make in the search warrant process.

To further elaborate and understand the first and second-order concepts, the study imposed three stages of coding: open coding, axial coding, and selective coding (Corbin & Strauss, 1990). Open coding consists of comparing the data and making initial conceptual labels for the data. Next, axial coding involves comparing the concepts to each other and developing categories to organize the concepts. The final step includes comparing each level of the analysis (data, concepts, and categories), refining these levels, and developing core categories to organize the data. In the last step, the "core category represents the central phenomenon of the study" (Corbin & Strauss, 1990: 14).

In this last stage of analysis the patterns identified in the data form a common explanatory mechanism.

Summary

This study uses ethnographic methods to study how two street-level detective units use search warrants to accomplish occupational and organizational goals. Ethnographic research allows the researcher to be involved in the detectives' day-to-day milieu therefore to better understand the subtleties of the process of obtaining and securing a search warrant. The field notes from the research will be used to construct the detectives understanding of the purpose of search warrants, as well as the techniques and strategies used by detectives' to obtain and execute search warrants. The following section provides the themes and sub-themes that emerged from using a grounded theoretical coding approach.

CHAPTER IV

STARTING THE WARRANT

Throughout the study detectives were adamant in the importance of conducting search warrant raids, and the benefits of warrants in controlling crime in the city. Detectives continually expressed the commonplace use of warrants. As one experienced detective stated, "search warrants are common, we use them for all types of problems." The notion of "problem" is reflected in the orientation of how the detectives used warrants across the life of the research. What became obvious is the broad spectrum of cases in which search warrants are obtained and executed, including investigations in fraud, homicide, wanted persons, and computer crimes. This study, however, focuses on search warrants obtained for the purposes of enforcing drug- and gun-crimes. Furthermore, this study focuses on how detectives execute search warrant raids. The raid is characterized as highly visible, dynamic, and violent with the intent of acting as a deterrent to others in the area.

The detectives under study were a part of two distinct plain-clothes street crimes units created for the purpose of removing illegal drugs and guns from the street, and prosecuting those individuals caught in possession of these items. The detectives are attracted to these units because they are interested in fighting crime through an order maintenance style of policing. One detective, new to the unit indicated he joined the unit

because "I was tired of being slave to the radio. In this unit I get to focus on real crime and for the most part do what I want."[2] The units offer leeway in how, where, and when they work. The unit also allows the detectives to conduct proactive work that is oriented towards drugs, guns, and persons with extensive criminal histories.

The units are focused on the big bust; they have illusions of taking down the violent offender on the run, capturing kilos of narcotics, or a hoard of illegal weapons. The detectives believe their responsibilities are set apart from street patrol, and their objectives are real police work. As one detective noted:

> We go for the worst violent offenders in specific areas. The worst of worst offenders, who are the ones that have a history of violent crime, who are wanted on violent, gun charges, that show a pattern of using guns in the commission of criminal offenses. These individuals are gang members who carry guns, gang members who have been convicted of felony, aggravated assaults, homicides, shootings, or individuals who show a continual pattern of using weapons against victims.

The detective refers to the often violent tendencies of the people targeted by this group, and the violent background is a key factor in the use of police raids. This line of thought follows the increasing logic that criminals are becoming well-armed, making the detective's job more dangerous than ever. Though a second component of these units is the emphasis on drugs and associated contraband.

The raid is the preferred enforcement action of these units because of the potential for big pay outs. The detectives all agree that a person's house is where you are more likely to find more contraband. One detective summarized this approach by stating, "You don't carry all your belongings in your car right? Well neither do people committing crimes. You get into someone's house you are more likely to find more drugs or guns than what they carry on them. Even when we make a good [traffic], we always want to

see if we can get to the house and find more drugs." The detectives emphasize the need to seize illegal narcotics, guns, and make quality arrests. The detectives know more drugs, guns, money, and being able to apply severe charges on offenders are the currency of their job.

The proactive orientation of these units follows the broken windows philosophy of policing. They are expected to hit high-crime areas hard and enforce narcotic laws. When detectives discover criminal activity, whether narcotic or weapon violations, the detectives will make an arrest and attempt to turn the arrestee into an informant, in hopes of identifying further criminal activity.

> While patrolling in a southern neighborhood looking for stolen cars, the detectives noticed a white guy sitting in a tan car, talking on a phone. He was in his car for longer than what the detectives deemed normal, which suggested to the detectives he didn't live there and he was waiting for someone. The area is known as a high-narcotics area, and the detectives felt they could articulate the stop. A detective pulled into a parking spot adjacent to the car, watching to see what the suspect would do. While waiting, two people walked by the vehicle and saw the detective, burning his surveillance. The detective pulled out and another detective pulled into position. There were a total of eight detectives in four cars patrolling the area. The detectives waited for over 90 minutes waiting for the guy in the tan car to make a buy. They did not want to stop him until they knew he had drugs in the car. They wanted to wait for him to buy from his dealer (what the detectives assumed he was doing), they could get then get him with dope in the car, turn him into a confidential informant, get him to buy from his dealer, again, and then serve a warrant on the dealer's home. (Observation from Fieldnotes)

Detectives are willing to wait for extensive periods of time to detect criminal activity, even if they have minimal intelligence. The detectives look for suspicious activity and then investigate to see if they can witness criminal activity. The detectives acknowledge that "when you are riding around you can try too hard to find drugs and guns and you overlook things. You have to take in the entire environment. Look for what stands out."

Raids are also a regular occurrence for these units because the department does not use undercover officers. The lack of undercover officers requires the detectives to use confidential informants to conduct buys and acquire probable cause. Since the detectives are not able to see the drugs for themselves, they must secure the drugs as evidence of criminal activity. The raids allow the detectives to hit the door fast and prevent the resident from destroying evidence of the crime. As a result, the raids are often dynamic and violent affairs with the door getting knocked down and detectives moving through the residence as quickly as possible. While the detectives acknowledge its "just dope," they also recognize the need to get the dope to make the case.

The organization thus puts pressure on these units to produce. Detectives are given the freedom to function as they deem necessary to accomplish their goals; however, if these units do not produce department oriented statistics, organizational control tightens. The detectives know that production is what will keep management off of them, and warrants produce outputs and present opportunities for good returns. "The colonel gave us a pep talk today. Told us that statistics don't matter, the only thing that matters is reducing crime. I don't buy it, it's just double-talk." The detective is aware that crime may be a focus of the organization, but they certainly believe that making arrests for narcotics and guns is the way to reduce crime. The expectation is that the units produce arrest statistics, seize illegal narcotics and guns, and seize money. These statistics are emphasized in weekly COMPSTAT meetings and through regular discussions between the detectives.

The money is an important indicator of unit success. Money is required for the buys orchestrated by detectives, and if they seize a large amount of money, it justifies

their worth for the department. The search warrant raids allow them to secure additional funding. Asset forfeitures and seizures bring in a substantial amount of additional funding to the units. Several of the unmarked cars the detectives drive were seizures from prior search warrant raids.

The emphasis on seizing money and cars speaks to additional benefits of serving raids outside of securing evidence, prosecuting evidence, or functioning as a crime control mechanism. These extra benefits suggest that raids are more than the completion of an in-depth investigation, but also constitute opportunities for improvement in working 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 getting a take-home police vehicle that is allowed to be driven anywhere in the jurisdiction for any purpose, the benefits of having a nice and reliable car becomes a perk of the job.

The units spend most of their time patrolling in high-crime areas looking for criminal activity, yet the raid is often safer than driving around. With police raids, "there is a lot more preparation and you have safety in numbers. Plus you can always bring in SWAT if the warrant is too risky. With patrol work you never know what vehicle you are going to stop is going to have a weapon. It's more of a crapshoot." The detectives also describe the raids as fun, and look forward to opportunities to hit someone during the raid.

The search warrant raid serves several purposes for the detectives. The primary purpose of the warrant is to achieve the big bust by seizing large amounts of drugs,

weapons, and/or money. When raids are conducted, and criminal activity is discovered, the detectives are able to prosecute the offender. Detectives discuss raids in the context of crime control, serving the benefit of getting criminals off the street and warning others in the community that the detectives are watching. Search warrant raids also serve as organizational statistics indicating success and worth within the department's structure. Finally, raids offer a sense of enjoyment for the detectives, making entry into a home is violent and risky, producing adrenaline for the detectives and serves as a stress relief. Detectives go through several stages to conduct raids. The detectives have to acquire leads, to have information on where dealing is occurring, where illegal guns might be sold, where wanted felons are hiding, or where convicted felons might be in possession of guns. The ability of detectives to get information arises from four general sources: proactive patrol work, confidential informants, citizen complaints, and other officers.

Proactive Patrols

While search warrant raids may generate the biggest returns in the units' enforcement actions, it is the proactive patrols that define their police work. The proactive patrols of these units is situated in broken windows policing model, the notion that these units are capable of combatting crime by patrolling problem areas and cracking down on criminal activity. These activities include regularly conducting saturation patrols in high-crime areas. The detectives made use of traffic stops, jumping out on men on street corners, and watching homes suspected of illicit activity. The goals of the units were to conduct high profile enforcement activities that would tamp down crime in the general area, as one detective noted:

> Tonight we are heading to [road omitted] following some recent home invasions. We will go hunting, stop everything we can, get arrests, and make a big example. It's all about making the community feel safe.

Even when conducting saturation patrols, it still provided the detectives opportunities to conduct ongoing investigations or begin new investigations if the opportunity presented itself. When detectives are directed to particular neighborhoods they will pull case files they are building on individuals in the target area during their patrols. This process allows the detectives to increase the likelihood of getting an arrest. If the proactive patrol does not deliver any arrests or seizures, the detectives can focus on targeting known offenders. In the observation noted above, the detectives conducted proactive patrol for less than an hour before focusing on a known offender allegedly in possession of narcotics and guns.

On nights where there is no direction for their proactive activities, the detectives will split up to look at areas of interest. Most of the detectives have prior narcotic or weapon investigations they attempt to work when given the opportunity. When given no orders to patrol certain areas, the detectives will split up and work on their own investigations.

> None of the detectives had set plans for the night, rather they agreed to split-up in groups of two and check out several houses suspected of selling narcotics. Three sets of detectives split-up to look for action. If any of the detectives found indications of criminal activity, they will call it out and the other detectives will respond. (Observation from Fieldnotes)

When the detectives have no formal plans for the evening, it becomes a first-come, first-serve mentality for the detectives. As a result, proactive patrols are susceptible to one or two detectives controlling where they work and what they do for the evening. The active detectives are largely responsible for dictating the work being done. Both units under

study patrol in groups. The idea is if they are in similar locations, if any criminal activity is discovered, they will have the numbers to handle the situation.

During the proactive patrols the detectives are all looking for similar behaviors and activity. These behaviors include multiple people in a car, vehicles conducting short stays at homes, groups of people standing on street corners, individuals who commit furtive movements, who stare at the police when they drive past, check license plates for potential warrants, and looking for vehicles or individuals wanted in conjunction with a crime.

When the detectives are patrolling they make a vehicle stop an average of every ten minutes until they find a stop that produces an opportunity or reason to search the vehicle. Throughout the research illegal weapons, drugs, or wanted persons was found in only 14 percent of the traffic stops. Despite the low number, the detectives were comfortable with not finding contraband all the time, and recognized that playing the odds was a key enforcement strategy. A detective indicated "stopping a car with multiple people is a good stop. The odds are, someone has a warrant, drugs, or a gun and you get a good stop. If not, you move on. You stop enough people you will get something." The detectives are confident in their ability to stop any vehicle, noting that if you follow someone long enough the driver will violate a law and you can stop the vehicle. Despite the ability to stop anyone, the detectives do avoid stops in certain situations.

> The detectives spotted a car that failed to use signal and was driving fast. The detectives began to follow and the car pulled into a parking lot of a crowded club. The detectives decided to not stop the car because of the large crowd outside the club and did not want to deal with the 'drama.' The detectives noted, 'if we had our full crew here, we would stop him, but it's just us. Plus, since it was a pre-text stop it was not worth the trouble, but if it was something serious then they would have stopped him and figured it out.

> The detectives pulled over a SUV for no license plate light. They approach the vehicle, one detective one each side with their flashlights out. There are two juveniles in the car, one male and one female. The detectives begin asking the occupants what they are up to, looking for inconsistencies in their behavior. The detectives got both of their I.D.s and ran their information, but left them in the vehicle. The detectives did not detect any criminal activity and did not want to pull them out of the vehicle because they would have to call in a female officer to search the female juvenile. Further, the detectives indicated that juveniles are not worth the effort. "The city has a big juvenile problem, but unless you get a gun on them there will be no real charges pursued and it's a waste of time." (Observation from Fieldnotes)

The above field observations note that detectives are reluctant to stop vehicles when there is a large crowd present. The detectives want to avoid conflict that they are unable to control, and if the detectives are outnumbered it is not worth their effort. In a subsequent observation, the same detectives conducted a traffic stop at the same club which resulted in a different individual in the parking lot running from the police and initiating a foot chase. In this instance, ten other detectives were patrolling the area and were able to control the scene. While the potential for crowds is one concern, detectives are also reluctant to stop juveniles and females. When stopping females, the detectives have to call a female officer to conduct a thorough search, and unless they are certain the female has drugs they do not want to waste the time. Juveniles also complicate traffic stops, as they are generally uncooperative, cannot be used as confidential informants, and require additional paperwork to be filled out. The detectives did note that a lot of juveniles are involved in crime, but since they are under-age it is harder to build cases on them.

Once a detective decides to stop a vehicle, he calls out to his unit to let them know so they can provide back-up. The detective will pull behind the vehicle and flip the police lights and siren on to effect the stop. The detectives will then exit the vehicle and move towards the stopped vehicle. The detectives are concerned with safety on all traffic stops.

The detectives are in plain clothes, with tactical vests displaying police patches on the outside. The two detectives approach both sides of the stopped vehicle. They stop short of the front windows to ensure they can see the driver and any passengers, but have protection. If the driver or any of the passengers move in the vehicle, the detectives move towards the vehicle quickly. When the detectives see furtive movements they assume the vehicles' occupants are hiding evidence or potentially reaching for a weapon. Since the detectives cannot discern from their vehicle they move quickly to the vehicle with their gun pulled and pull the occupants from the vehicle.

> The detectives begin looking for a white four door car. A confidential informant called and told one detective the driver had six ounces of crack on him. The detectives spent three hours looking for the car, and finally spotted the vehicle. One detective begins to follow the vehicle and calls out the location of the car. Four more unmarked cars begin following the car and they decide to box the vehicle in. They wait until the vehicle moves into the right-hand lane and then one detective accelerates in front of the suspected car, two vehicles on the left side of the vehicle, and one detective pulls in behind and they all hit their lights. The detectives jump out of the car and move quickly towards the car with their flashlights and guns out to ensure the driver does not move. A detective moves to the driver door and opens it for full visual inside the vehicle. (Observation from Fieldnotes)

The goal of these traffic stops is to stay hidden and make the stop quickly and with numbers. The ability to have multiple unmarked cars make the stop is to put the driver in shock and give the detectives time to approach the vehicle. This is especially true when the detectives have reasonable cause to believe there are narcotics or weapons in the vehicle. The reasonable cause may be information from a confidential informant, knowing the occupants of a vehicle and their criminal history, or witnessing the vehicle's occupants conducting a narcotics buy. The need to be quick to the vehicle is reinforced any time someone swallows or attempts to swallow drugs or has a weapon in the vehicle.

> The detectives are tired of driving around waiting to hear the plan, so they pull in to a grocery store parking lot. They park and are talking about their weekend plans, when a pick-up truck drives by for the third time and catches one of the detective's eye. Both detectives begin to watch what the driver of the truck is doing; the driver parks and enters the store. A couple of minutes later, the driver exits the store talking to a black male and they walk to her truck. When they reach her truck the conversation is brief, and the man walks away. The detectives suspect a hand-to-hand deal had just occurred and begin talking about whether they should stop the male or the female driving the truck. The female driver begins to leave the parking lot and they decide to follow her. Before she exits the parking lot they turn on their lights and sirens. She stops her vehicle, but makes a sudden move inside the cab. The detectives jump out and approach the vehicle from both sides. The detectives reach in the vehicle and grab her by throat to prevent her from swallowing the drugs. They let go of her and pull her out of the vehicle and place her in handcuffs. The detectives repeatedly ask what she just swallowed, attempting to get her to admit. A detective states, 'we are concerned for your health, we ain't getting the drugs back, but you can die if you swallow the drugs.' The second detective finds a needle laying on the seat of the truck, and she admits to using heroin, but still does not admit to swallowing drugs. This back and forth continues for several more minutes, as the detectives try to get the facts of whether she just bought drugs, and she finally begins to tell them the events. (Observation from Fieldnotes)

A suspect swallowing drugs is one concern for detectives, but the possibility that a suspect may attempt to flee is also cause for detectives to quickly approach a vehicle.

> The detectives spot a white four door car driving quickly through a neighborhood. The detectives suspect the car spotted the detectives and is trying to get away. The detectives follow the car for several blocks trying to determine if the occupants are driving fast, or are up to criminal activity. The detectives decide to initiative a traffic stop and call out on the radio for the other detectives to come into the area. When a second unit gets behind the detectives, they initiate the traffic stop. The four detectives approach the vehicle that is occupied by two females in the front seat, and two toddlers and a male in the backseat. The detectives begin to ask what they are up to. Then the detectives ask if there is anything in the car that could get them in trouble. The occupants of the car all say no, and the detectives ask for their license. Two patrol officers arrive on scene, to assist and are asked to stay up by the vehicle, while the detectives run the driver's license of the adult occupants. The detectives discover that one of the female occupants, and the male occupants have warrants for traffic violations and will have to go to jail. The detectives begin to remove the occupants one-by-one starting with the women in front. A female officer arrives and searches each of the female. The detectives then pull the male occupant out of the backseat and as he rises, a detective sees the man was sitting on a revolver. The detectives' adrenaline increases from shock, and one detective locks the man's arms up and lifts as if he was getting

> ready to execute a suplex. The sudden movement by the detective alerts the other detectives and they put the man on the ground and place him in handcuffs. The detectives look at each other with eyes widened. The man in the back seat never made any furtive movements to suggest there was intent to harm, but the presence of a gun always sets the detectives on edge. (Observation from Fieldnotes)

Detectives interpret all furtive movements as problematic. Whether the concern is that someone is hiding drugs, destroying evidence, or reaching for a weapon the detectives always react quickly. Although, for many detectives the absence of furtive movements does not eliminate the danger, as the fear for safety is always present. The detectives involved in the above two observations discussed these instances several times over the next few months, and each of these situations becomes normalized in the arsenal of the detective's memories and stories. They are repeated and pointed to as the reason why they use quick movements and often pull people out of the vehicle. In between traffic stops or other enforcement activities, these are the stories that are discussed; however, during the research time period over 200 car stops were observed and only 6 times did someone swallow or allegedly swallow drugs, only 2 times did a person reach or allegedly reach for a gun, and no one was observed jumping out a vehicle and running away. This is not to say these events do not occur or are not dangerous, but rather they are far rarer than what detectives believe and the stories they share.

The same shock and awe tactic is used when they plan to jump out on a group of people standing on a street corner or in a parking lot. The detectives regularly patrol the same area and get to know the residents who have criminal histories. When police observe multiple offenders hanging out together, they will use the opportunity to jump out on the group. The detectives will call out the group and wait for the other detectives to get in position. The goal of a jump out is for detectives to approach the group from all directions, in case anyone from the group runs they will have the exits covered.

> There are twelve detectives riding tonight in seven vehicles. They are caravanning throughout the western part of the city going from high-crime area to high-crime area looking for groups of people to jump out on. Two detectives drive by a crowded club and radio to the other detectives that everyone should gather and jump out on the people standing in the parking lot. The detectives reason that with so many people present someone is bound to have an arrest warrant or drugs. The detectives begin calling out which approach they will take to the club to make sure there are detectives covering all exit points. Three detective vehicles pull in the Western part of the parking lot, while the other four detective vehicles cover the eastern exit. As the western detectives enter the parking lot and exit their vehicles, a man runs from the parking lot heading east. Two detectives chase after him, making sure to avoid falling in the wet conditions. The remaining four detectives stay in the parking lot to secure the car the man fled from and ensure no one tampers with the evidence. Two detectives on the east end of the parking lot join the foot chase, as the man running weaves away. Two detectives remain in their vehicles and start reversing, to cut off his pass. The man runs past the detectives and the detectives jump out of their vehicles. Three detectives are able to corral the man, tackle him, and put him in handcuffs. (Observation from Fieldnotes)

Detectives regularly take the opportunity to jump out on people without reasonable cause because the assumption is that someone may have a warrant, drugs on them, or a gun and will take off running. In this instance, the detectives were in position in case anyone ran and their assumption was correct. The detectives also ensured that a few of the detectives stayed with the suspect's vehicle to ensure no evidence was destroyed. Despite experience in jumping out on people, the detectives' coordination is not always sound and it leads to people getting away. The detectives often exhibit poor communication, which leads to one detective moving in to make a stop before the other detectives are prepared.

> The detectives are heading to a home on the west-end of town. A patrol officer mentioned there were several juveniles hanging out at the house and was known to cause problems in the area. In the past, the patrol officer has arrested a juvenile for possessing a handgun at the location. The detectives leave the station in two vehicles, three detectives in each vehicle. Their plan is for one car to come from the south and one vehicle to come from the north and time their arrival so they can jump out on the group at the same time. The goal is to stop short of the group from the south and north, so if anyone runs they will be able to cut off their path

> instantly. The southern car reaches the street and begins to head north towards the house. Its dark and the detectives cannot see the street numbers. There is a group of around 15 kids standing on the street, but the detective continues to look at the street number and the detective pulls past the group of kids. The detectives jump out of the car, the northern car not in position. Three kids take off running south, back from where the detectives came from. The three detectives bail out of the vehicle and begin to chase after them. The detectives call out the foot chase and the car from the north turns on its lights from 200 yards away and speeds up. I point the direction the kids ran and two detectives join the pursuit. The street is blocked by the southern detective's vehicle, and the detective coming from the north has to turn and go around the block to join the pursuit south. Patrol officers from the area join the chase and the police helicopter comes over head. The foot chase lasts for several minutes, and it is fifteen minutes before any of the officers comes back to the location where the chase began. The rest of the group of kids have left or went to the front porch of neighboring homes. The detectives come back after catching two of the juveniles, but the third is still on the run. The detectives are frustrated after having to run after the kids, but also mad because the foot chase was preventable. (Observation from Fieldnotes)

Detectives can show impatience when conducting stops whether it involves vehicles or persons on foot. The detectives regularly discuss the tactics necessary to ensure they are able to conduct a successful stop, yet they do not always follow their own guidelines. Detectives know that they must stop short of the group to ensure they block off running paths. If the detectives in the above situation would have stopped short, their chase would have been much shorter. Further, if the detectives would have waited for the other unit to get closer, they would have had a better chance at catching all three juveniles. Much of the subsequent investigation involved discussions on how they screwed up the foot chase.

When the detectives are able to conduct a successful stop, the detectives then must determine if their suspicion is correct and secure the suspect. When the detectives make traffic stops and approach the vehicle, the detectives use their sense to determine if any criminal activity is occurring. The detectives smell for marijuana and look for narcotics or guns in plain view. If the detectives discover criminal activity it results in them quickly getting the vehicle's occupants out of the car. The detectives pull the

occupants out of the vehicle one at a time for safety purposes. As each person leaves the vehicle the detectives search each individual looking for further evidence of criminal activity, then place the suspect in handcuffs, and then put them on the back bumper of the vehicle. This process is repeated for all occupants of the vehicle.

When detectives approach the vehicle and do not detect criminal activity the process is altered. The goal for the detectives is to get the occupants out of the vehicle and search the car. Through training and socialization the detectives have learned several ways to get what they want. When the detectives approach the vehicle they talk fast to bombard the vehicle's occupant with information and use their authority to gain compliance from the driver. A common phrase used by detectives is to ask the driver "you don't have anything in the car that's going to harm me do you, no guns, knives, or hand grenades? You don't mind if I check do you?" When this statement is made, the driver is often flustered. A combination of a sudden traffic stop by unmarked cars, plain clothes detectives standing outside your window, and them asking to search the vehicle for safety purposes intimidates the driver and often results in compliance. If the driver says "no," the detectives will interpret this as saying no to their question and begin to search the vehicle without asking for clarification. If the driver speaks-up and says no to the search, the police will view the driver as hostile and begin to put greater pressure on the driver to allow the detectives to continue the search.

Once the officers are able to gain compliance from the vehicle's occupants to search for weapons (e.g., firearms, knives, or any other item that could harm the detective), the detectives do a *Terry* pat-down of the vehicle's occupants. The *Terry* pat-down allows detectives to check for signs of weapons or contraband, provided they do

not manipulate pockets; however, the detectives regularly conduct a full search without cause including turning pockets inside out and removing objects. What the detectives know well is that your constitutional rights only apply if you understand and assert them. The detectives also assume any resistances to their questions are viewed as suspicious and they will attempt to intimidate the occupants into answering incriminating questions or allowing a search to occur. The detectives are well adept at shaking suspect's confidence. When occupants refuse a search, the detectives will run a drug-sniffing dog and remind the occupant that things will go much easier if he or she complies. Further, the detectives will remind the occupant that if they refuse cooperation, the detectives will charge them with all they can for wasting their time. The goal is to create a sense of hopelessness for the suspect and it enables the detectives to break down their defenses and gain compliance.

Getting the vehicle's occupants out of the car is the detectives' first step in determining of criminal activity is occurring. The detectives next seek to search the vehicle. When a drug-sniffing dog is available, the detectives will use the canine to search the outside of the vehicle, and if the canine hits, it provides the detectives with probable cause to search the entire vehicle.

> When the detectives stop the four door white car, they pull the driver out of the car and conduct a pat-down search. Then the canine detective pulls his dog out and runs him around the vehicle. The dog indicates on the driver's side door and the trunk, which provides the probable cause needed to search the entire vehicle. Three detectives begin to search the car. They look through the side pockets, center console, glove box, in-between the seats, under the seats, under the floor mats, in the engine, and in the trunk. Since the detectives have intelligence there are narcotics in the car they are thorough. The detectives then begin to look for false storage, and are able to pull the side panel off the dashboard where they find narcotics.

The detectives are also able to search the vehicle if they are find evidence of criminal activity on the individual during the search. These two means are the easiest mechanisms for a search of the car. When these two means are not an option, the detectives will once again attempt to gain consent from the driver to conduct a search. The detectives will state that if "you cooperate and we find something small, we might give you a citation and you will be on your way." The detectives attempt to incentivize the driver into accelerating the interaction so the detectives and the occupants can go on their way. Of course, if the driver will not admit to possessing drugs and the detectives find drugs, the detectives will not show mercy and will take the suspect to jail.

When the detectives find contraband they have to make a decision of the outcomes. Detectives make charge and arrest decisions on a variety of factors including the suspect's cooperation level, their criminal history, and whether or not the suspect may possess knowledge of ongoing criminal activity. The detectives are always seeking out individuals who could work as confidential informants. If an individual has no or little criminal history and caught with minimal drugs, the detectives are likely to write them a citation. Occasionally the suspect offers to work off the charges and is willing to provide information to the detectives immediately. When this occurs, the detective must evaluate the information the suspect has to offer. The detectives must be careful in their evaluation of the individual's disclosures, and if the detective is convinced that the occupant has worthwhile information the detective may sign up the suspect. Detectives know that the potential informant will not be useful if he/she possesses a lengthy criminal history. Further, if the current charge is big enough, the detective may decide to take the person to jail and get the arrest.

The detectives regularly make arbitrary decisions as to whether or not someone will be a useful confidential informant or not. Those that are identified as possible confidential informants have to be officially signed up, earn the detectives' trust, and work off the charges. Confidential informants play important role in future proactive patrols and various components of the search warrant process.

Confidential Informants

Confidential informants arise out of a variety of police interactions including traffic stops, search warrants, and complaints. The decision to use an individual as a confidential informant is predicated on detectives overcoming personal doubts as well as departmental policies guiding who can be used as an informant. The detectives work with different types of confidential informants, those that are attempting to work off charges and those who are attempting to make money. Further, the confidential informants are distinguished between those who are addicts and those who work in or around the drug culture. The primary challenge detective face in working with confidential informants is evaluating levels of trust and reliability.

Trust is a concern because the relationship between the informant and the police is asymmetrical. The detectives are often holding charges over the confidential informant's head, and if the informant cooperates he or she will have the charges dropped or reduced, depending on the deal. Generally, detectives require the informant to provide information that leads to three new arrests of individuals in possession of guns or drugs. If an informant is able to provide detectives with a big score, then the detectives are willing to reduce the number of cases. For instance, the ability to give detectives illegal

guns or convicted felons who are in possession of guns is a major score for the informant and the detectives.

The trust issue is never fully overcome, rather detectives develop a comfort level with the informants. Detectives need to be adept at reading the information informants provide and reacting accordingly. Confidential informants work on their own time. Combined with the detectives working on "dope-man time," the day can be drawn out. Not all informants are created equally or are used in the same manner. Detectives are responsible for the informants, and despite trust issues, they do not want to be responsible for getting an informant hurt.

Information from confidential informants has to be taken lightly. Generally detectives have a 10 percent rule. Whatever the confidential informant says the dealer has, it is more likely to be close to 10 percent.

> A supervisor doesn't buy the dealer has 2 pounds of crack, it's more like an ounce. It's the 10 percent rule. But anything with a gun then it's worth it. (Observation from Fieldnotes)

The supervisor's comment indicates that confidential informants are never trusted; rather, their ability to get evidence and information is tolerated to achieve ends. Detectives are willing to tolerate confidential informants lying, and expect them to lie to get out from underneath current charges or to get paid. The detectives weigh the reliability of the informants in exchange for the outcomes, and when it comes to seizing guns, the detectives always deem the informant's information viable. The excitement of possibly a big score is always tempered with the reality that the confidential informants are not honest. The confidential informants have interest in working off charges or getting paid, and the sooner they can get the detectives to release them from informant duties the

better. The detectives may not jump for an ounce, but they will move quicker for bigger scores and the confidential informants know this.

> Two detectives are leaving the station to go find their informants. The detectives have two informants that have done a lot of work for them over the years and last night their information got them 4.5 grams of heroin last night. The detectives prearrange a meeting place with the informants in a back alley. The informants do not want to be seen talking to the detectives, so they always attempt to find a secluded spot. The informants are getting paid $180 since their information was good. Yet, the $180 is not the full rate, the informants are on 'probation' for not being reliable. The detectives meet with the informants, and the informants begin to provide more information. They also note the previous night's warrant and that the target is now looking for who snitched. The informant also indicated that the target and his girlfriend are back to selling already. (Observation from Fieldnotes)

Informants who are working for pay present a complication for detectives. The detectives do not have the same leverage over informants seeking pay; as they do informants working off charges. Detectives do get tricked by confidential informants and the detectives then must decide if they are going to hold the informant accountable and pursue the original charges, whether they will pay the informant for work, or whether the case is more important. But this shows that the end game is the priority and not the process. In the above instance, the informants were on probation by the detectives for being unreliable, despite a long history of working with the detectives.

Despite potential issues with confidential informants, detectives rely heavily on informants throughout the case. Detectives are always on the lookout for new confidential informants, especially informants who are reliable. Confidential informants play a major role in detectives building probable cause of criminal activity (see chapter 2) and play a minor role in pre-warrant surveillance (see chapter 3).

Citizen Complaints

There is a third circumstance under which search warrants arise. Persons regularly make anonymous tips to the police department or file complaints about drug houses in their neighborhood. The detectives often discuss how the "jaded girlfriend" is a great source of information. "When a drug dealer pisses his ol' lady off, we usually hear about it, because they'll call in and provide information on what their man was doing. It's great for us. The men never learn." Angry girlfriends are not the only source of information; however, the detectives receive complaints from concerned persons, as well as business owners. When citizen complaints come to the detective's attention, they must decide the amount of effort to put into the investigation, and how to pursue the investigation.

When detectives receive a citizen complaint, the first step is to look up the location in their database to see who lives there and whether are not the homeowner has existing charges for the subject of the complaint. If the resident of the location has a criminal history, detectives are more likely to pursue an investigation on the residence. The second step in evaluating a complaint is to drive to the location and conduct surveillance. At this point, the detectives follow their techniques of proactive patrol work.

If the resident living at the location of the complaint has no criminal history, the detectives are likely to conduct a knock-and-talk. A knock-and-talk consists of detectives driving to the location and knocking on the door to get a sense of the homeowner and to determine if any criminal activity may be occurring. Detectives acknowledge that citizen complaints are not always reliable, because sometimes they see a lot of traffic, but get the house wrong. The purpose of the knock-and-talk is to get the homeowner to consent to a search and close-out the complaint. When detectives conduct a knock-and-talk, the detectives begin the talking game in attempts to get consent and clear the complaint. The

detectives will suggest that the search will be quick, and if they find anything they may only write a citation or move along. They want to know what is going on. Often the complaints end up being a result of teenager kids having friends come and go.

When the resident refuses to comply, which is within their right, the detectives threaten that they will conduct a thorough investigation and come back with a search warrant and toss the home. The detectives use their leverage to use force as a means to gain compliance in the same manner as getting into vehicles and securing cooperation from confidential informants.

The knock and talk presents an interesting component of the search warrant process, especially as to why detectives do not attempt knock and talks more often, and how they decide the search warrant is the best action. Often the decision comes down to whether or not the person will let them in. Such as if the resident has an extensive criminal history or is known to understand their rights and will not let them in for a consent search, a search warrant then becomes a viable option. Also the search warrant offers the ability to surprise the resident by quickly approaching the house and breaking down the door before the resident has time to toss the drugs. The knock and talk defies the notions of the safety that the detectives present as a necessity of serving the warrants at an accelerated pace with force. It defies the logics put forth by the detectives as to the need to execute warrants with force, and instead not seek entry before ramming the door down.

Patrol Officers

Detectives also receive information about criminal activity from patrol officers. The detectives studied are in units that allow them to be proactive and avoid having to

respond to calls for service. The flexibility of the units under study and their purpose provides them with the unique responsibility of serving warrants. Whereas street patrol officers may find out information, they do not always have the time to conduct a search warrant with other patrol officers because of the need to respond to calls for service. As a result, patrol officers regularly provide information to the detectives. When a patrol officer does provide information that leads to a search warrant, the detectives will generally include the patrol officer in the execution of the warrant, the search of the home, and will occasionally give them an arrest or two. The rewarding of the patrol officer ensures that the detectives continue to get good intelligence.

Summary

In chapter 4 the analysis reveals that search warrants play an important role in the detectives' capacity to accomplish their units' goals. The detectives are responsible for removing illegal narcotics and guns from the street, as well as arrest the individuals participating in these crimes. The detectives indicate that conducting search warrants provide the best possible opportunities to seize large amounts of contraband. The detectives recognize that seizing large amounts of drugs, guns, and money, as well as making quality arrests justifies their role as a detective, as well as the unit's existence. The detectives also promote the notion that search warrants are a deterrent for the neighbors who may be involved in criminal activity, thus search warrants serve a crime control function. Chapter 4 also indicated that search warrants arise from four sources: proactive patrol, confidential informants, citizen complaints, and other police officers. Detectives conduct proactive patrols in search of criminal activity. Detectives hope to discover large amounts of contraband in the vehicle, but will also look to flip the

vehicle's occupants for information on a larger bust. It is through proactive patrols that detectives get the vast majority of their information on potential search warrant targets. Detectives also use confidential informants for information. The detectives work with confidential informants who are working off charges (likely from prior traffic stops or search warrants) and informants who are working to get paid. Detectives have a contentious relationship with informants, as they do not trust them, yet need the informants to build cases. Detectives also use information from persons who call in tips to the police department. If the subject or location of the tip is familiar to the detectives they are likely to begin a thorough investigation. If the subject or location is unfamiliar, the detectives are more likely to conduct a knock-and-talk and attempt a consent search. Finally, detectives receive information from other patrol officers. Patrol officers have limited flexibility to conduct investigations; therefore, they provide information to detectives in exchange for participation in the warrant process. This stage of the warrant process is focused primarily on assessing the information the detectives obtain and determining whether the information will lead to an opportunity for a search warrant. When detectives determine the information is reliable, they will begin to focus on building probable cause and securing the search warrant.

CHAPTER V

SECURING THE WARRANT

The use of proactive patrols, confidential informants, citizen complaints, and police intelligence provides starting points for investigations into narcotic sales, illegal gun possession or sales, or locations of wanted persons. Through these actions, detectives make determinations as to whether further investigation is needed or warranted. It is at this stage that detectives begin to determine whether a search warrant raid will be possible or necessary. Obtaining a search warrant requires certain legal standards to be met; in particular probable cause must be present, an oath or affirmation by a detective, a list of what is to be searched, and a magistrate's signature. The following sections discuss how the detectives secure each of these requirements, as well as the procedures used to write and secure a signed warrant.

Securing Probable Cause

When the detectives begin to focus their investigation on a particular residence or commercial business they will secure probable cause through two primary means: using confidential informants to conduct buys or conducting a trash pull. Confidential informants are used to conduct buys. Sometimes the confidential informants make the detectives aware of a house to work off charges. Other times the detectives will wait to bust someone buying from a particular house, and then attempt to flip them to secure the

warrant. Further, detectives will ask a reliable informant if they are able to get into a particular home. When detectives use a confidential informant to make a buy, during which the informant may learn the location of a drug house, detectives follow a regimented protocol. The protocol is exemplified in the following recorded observation.

> We are sitting at the division waiting to conduct a buy. Two detectives are talking to their confidential informant explaining what they want him to do. They are going to put a wire on the guy when he buys the drugs. The lead detective called everyone to go upstairs and get the vehicles ready. The seven detectives go outside, get in four vehicles and take off towards the buy location. The lead detective stays with the confidential informant to keep a close eye on him. When the lead detective is leaving he calls out on the radio to inform everyone they are heading to the location. The lead detective follows the confidential informant in his vehicle. As they get close to the house, the lead detective peels off and a detective positioned adjacent to the home gets eyes on the car. When the confidential informant approaches the house the detectives call out where he is and when he enters the house. The supervisor is monitoring the wire and is listening to the conversation the informant is having with the dealer. After a short stay the informant exits the home and heads back to his car. The detectives again begin to communicate the location of the informant. The informant leaves and heads back to the station to meet up with the detectives. The detectives follow the informant closely to ensure he does not run off with the drugs. When the detectives and informant get back to the station, the detectives remove the wire, retrieve the drugs, and conduct a thorough search of the informant to ensure he did not skim any drugs. The detectives then examine the drugs to look for signs of tampering with the packaging to make sure the informant did not pinch off the drugs. (Observation from Fieldnotes)

When a buy occurs with a confidential informant, the detectives park in positions where they can see all sides of the house and all exits from the property. Communication among the detectives is key to ensure the informant does not run off with the money or drugs. Furthermore, detectives want to be able to verify that the informant had no drugs when he entered the home, but had drugs when he exited. This provides stronger evidence that the informant bought from the targeted location. The use of a wire supplements this evidence and is used to verify the detectives' accounts of events. Everyone is positioned so they can see all sides of the house. The detectives search the confidential informant before he

leaves for the buy, and will also search him when he gets back. The detective provides money to the confidential informant, first recording the serial numbers of the money before handing it to the informant to conduct a buy. If during the raid the detectives recover the money, it further enhances their case. When the buy is complete, detectives have the option of conducting further investigations to increase probable cause. Although, detectives usually pursue the search warrant once a buy is complete and rely on prior investigations and surveillance to substantiate claims of criminal activity.

Detectives are not always able to conduct buys from a specific location. There are a variety of reasons why a buy is not practical. These include not having a reliable confidential informant to get into the residence, the occupant of a residence being too suspicious, or the detectives not wanting to put the effort into conducting surveillance or securing an informant for a particular residence. When detectives are unable or unwilling to conduct a buy, the detectives will instead conduct a trash pull.

A trash pull occurs by digging through a residents' trash when it is placed out for collection. Detectives will drive by, grab the trash bags and take them back to the division to look for evidence of narcotics. The detectives are looking for baggies with the corners ripped and can test these for the presence of narcotics. If evidence of narcotics is present, it is sufficient to establish probable cause of drug activity at the residence under investigation. Trash pulls offer the benefit of being quick and not requiring a lot of manpower to get the probable cause. A detective explains the speed of the process:

> I did a trash pull last night. I've been driving by the house for a couple of weeks and noticed a lot of traffic at the house. I got up early in the morning, pulled the trash, and found a couple of baggies that tested positive. I did the pull last night, and I'll be able to get the warrant today.

The detective went on to describe the ease of the entire process and noted the technique is one of he uses regularly. “I do a lot of trash pulls because it’s easy, a lot of guys won’t do them because they don’t know about them.” Despite the speed of conducting trash pulls there are still concerns associated with the trash pull. First and foremost, detectives have to wait until trash day to complete their investigation. One evening two detectives attempted to do trash pulls on two different residences.

> The detectives waited until 11 p.m. do conduct the trash pull, they wanted to make sure the residences had set the trash out and were inside for the night. They noted the concern that the resident may see them pulling the trash. As the detectives approached the alley, they turned their lights off and back down the alley so they could quickly drive off. The detective cracked his door has they approached the trash can. The detective jumps out of the car but cannot read the house numbers; he goes to a trash can but realizes it’s the wrong one. The detective goes to the next trash can, looks in it but comes back to the vehicle empty handed. When he got back in the vehicle, he noted the trash was ‘juicy’ and filled with maggots. (Observation from Fieldnotes)

A downside to doing trash pulls is the presence of waste. All of the detectives have stories of conducting trash pulls where they found human feces, spoiled meat, or used feminine products. A detective stated succinctly, “it’s not worth finding evidence of drugs, if you have to dig through someone’s bodily fluids.” Despite the failure on the above attempt, the detectives continued on to the second location. The detectives hold to the rule that if it is your investigation, you have to pull the trash. As a result, the detectives switched drivers and took a similar approach to the trash can by backing down the alley with their lights off. On this trash pull the detective was able to quickly identify the trash can, jump out, grab a bag, and get back into the vehicle.

Once a bag is secured, the detectives take it back to the division to look for evidence of criminal activity. The detectives noted they look for “large end of torn baggies because that indicates dealing, the small end indicates using. We’re hoping for

residue because we can test it with a kit." The detectives looked through the bag but found no evidence of criminal activity, indicating they would have to try again down the road.

The goal for the detectives is to find baggies that test positive; however, a positive test is not required. Detectives agree that experienced narcotics officers are capable of articulating in a warrant the likelihood of narcotic sales, but it does present a greater challenge. When asked how the detectives would construct their articulation they stated, "I'd say as an experienced narcotics officer, the only reason to tear a baggie is for the sale or use of narcotics." This statement emphasizes the role of experience and the notion of drug culture in the development of probable cause.

Detectives recognize that the standard for reaching sufficient probable cause is low, and as such they do not worry about getting into homes. The process of obtaining probable cause is straightforward, and as one detective emphasized "especially in the areas like these, no one cares about these people." Detectives generally do not attempt multiple buys or trash pulls at a location if they have acquired probable cause. As a detective noted, "As soon as you get pc you write the warrant. Its dumb to do multiple rips or observations, it tips off the suspect." This mentality leads to many of the detectives conducting the minimal amount of work necessary for the investigation, a factor that is consequential for other aspects of the warrant process.

There are exceptions to when detectives conduct multiple buys or trash pulls. Detectives know that obtaining probable cause is useful for a limited time. If detectives are on their last shift of the week they will often conduct a buy or a trash pull to determine whether or not their suspicion is accurate, but will not secure the warrant until

the following week. If a detective conducts a trash pull or a buy and does not serve the warrant within 72 hours, the detective must conduct another buy or trash pull so the probable cause is fresh. Detectives also conduct multiple buys when an informant indicates the dealer is out of drugs, but will be stocking up soon. In these scenarios, once the detectives obtain probable cause and are able to execute the warrant, they begin the process of writing the warrant.

The process the detectives use to get probable cause occurs quickly. The observations of detectives' investigations that lead to the pursuit of the search warrant often occurred within a day of writing the warrant, getting it signed, and executed. In other words, when detectives get focused on executing a search warrant, their investigation will last as long as it takes to get probable cause, which is typically one or two days. More often than not detectives will conduct a traffic stop, flip the driver for information on someone selling drugs or illegally possessing guns, conduct a buy or trash pull, write and get the warrant signed, and execute the warrant in a 6 to 24 hour time period. The nature of the detectives' investigations are often short-term proactive enforcement strategies designed to make people aware of the enforcement in hopes of deterring crime.

Writing the Warrant

When probable cause is obtained, it is time to write the warrant. Detectives often get frustrated filling out the warrants, but then find an avenue to speed up the process. Often detectives will copy and paste from other warrants. The detectives rarely write a warrant from scratch, and in those few instances they have to write warrants in the field they exhibit the most frustration. The department provides templates for the detectives to

speed up the process. The search warrant writing process is enhanced through socialization. Detectives help each other out to get the wording right, and to ensure the affidavit will not be rejected. Detectives regularly share stories of warrants being rejected by judges or by defense attorneys tearing their warrants apart in court. As these stories are shared, the detectives discover new phrases and eliminate old phrases turned away in court.

Several detectives noted they write warrants for suspected drug houses ahead of time, and will hold on to the warrant until they have time to secure probable cause. A detective described this tactic,

> Most of the guys already have warrants written up for different complaints and they are just waiting to get enough pc to conduct the warrant. The same general information goes in to it, who, what, when, where, and why. Often it takes a while to get all pieces so you get prepared for when the opportunity presents itself.

This approach allows detectives to speed up the warrant writing process. Detectives generally write their warrants in their office which allows them to access previous warrants and copy and paste information.

> Detective is writing a warrant for the house. He is trying to determine if they will serve the warrant tonight or not, but figures its' worth taking the time to get it ready. The detective is using his previous warrant as a template to write the new warrant. The detective copies the evidence to be seized from the old warrant to the new, and copies the investigation process from the old warrant. The detective then begins to change the facts of the investigation, such as the date, time, and location to reflect the location. (Observation from Fieldnotes)

The ability to use prior warrants as a template suggests the information placed in the affidavit is not unique to individual investigations. Instead, the information placed in warrants follows the general investigative patterns used by the detectives in all their enforcement activities.

All warrants require the same basic information: address and description of the residence, as well as any vehicles or persons that will be searched; a list of what you are seizing; the information used for probable cause; and the investigation conducted by the detective. The officer then must sign the affidavit and then have a judge sign the affidavit. The detectives acknowledge, "we try not to put too much info in any of our warrants, just enough to get it signed. Writing too much information opens us up to a lot of questions in court." The affidavits present insight into how the detectives socially construct the components of the warrant process. In particular, there are four sections in the affidavit that are informative for the search warrant process: where detectives search; what evidence detectives want to seize; the information used to secure the warrant; and information on the officer's experience.

The detectives are required to provide the address of the residence or business the search warrant is for, which includes the physical address as well as a description of the house. The description is included to ensure they are conducting the raid on the correct home, and providing sufficient description ensures there is no doubt. A typical description of the home follows:

> [Address omitted] is a red one story shotgun style house. The outside of the house is red in color and appears to have a stone foundation. The building faces east on Street and has a glass security door. The door is flanked by two white columns. On the left column are the numbers [numbers omitted] in black. Above the door the numbers [numbers omitted] are in white. The building has two windows located to the left of the door as you face the building. (Observation from Fieldnotes)

The information provided on the location always includes the direction the front door faces, the location of the street numbers, and a description of the front of the house. A detective notes that "the judge should be able to go to the house and based on the

description know he is at the right place." To provide accurate description of the home the detectives make use of the internet, rather than relying on notes or memory. In fact, the detectives acknowledge they only attempt to remember the color, style, and number of the location. The detectives use Google Street View to pull up images of the home and write the description. Even when the detectives write the warrant in the field, they are able to use their phones to access images of the house. The overreliance on the Internet leads to issues, as detectives do not always have a clear picture of the house in their mind. On occasion, detectives will get confused as to which house they are supposed to hit, especially when they cannot locate the street number, although no raids were executed on wrong addresses during the observation.

Detectives also must indicate the person(s) who are the target of the search warrant raid. Generally, a search warrant raid is only targeted at a single individual in a home or business. This person is the one dealing the drugs, in possession of the illegal firearm, or who is a wanted fugitive. The detectives generally provide information on the race and sex of the subject, the name, date of birth, social security number (if known), 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.

The inclusion of a specific person reinforces the idea that the search warrant raids are oriented towards seizing evidence for the prosecution of an individual committing criminal activity. When conducting a raid-- the detectives want to remove contraband from the streets, but also want to ensure they get "their guy."

Finally, the affidavit indicates whether any vehicles or outbuildings will be searched as part of the raid. These two components are often not filled out, because detectives do not have information on what vehicle the targeted individual drives, or whether there is an outbuilding on the property. The reason this information is not known, is a product of the quick investigation process used to obtain the warrant. Furthermore, detectives know they can use canines to search the exterior of vehicles to obtain probable cause, and therefore do not worry about including it in the warrant. The detectives do include the vehicle when they have evidence of the vehicle being involved in the criminal activity. If the detectives have evidence of the vehicle involved in criminal activity, the detectives will search it in hopes of seizing the vehicle.

The next section of the affidavit the detectives fill-out is what evidence they intend to seize. This section indicates what evidence of criminal activity is expected to be found and provides guidance for where they can search in the home. Detectives provide the same type of information to expand the parameters of where they can search. Since these units focus on guns and drugs, the detectives have an expansive list of what they are looking for.

> The following described personal property, to wit: Any and all narcotics or drug paraphernalia as defined in KRS 218A. Any US Currency or monies that are proceeds from drug trafficking. Any firearms or weapons that may be used to protect narcotics or US currency. Any paperwork that may be a record of narcotics sale or that may indicatia of transport, concealment or sales of narcotics. Any paper that may be evidence of individuals living in the residence. Any electronic recording media, computers, software or other such devices may be used to hold or document illegal narcotics activity. (Fieldnotes)

The above list provides extensive latitude for the detectives. In addition to looking for explicitly illegal contraband, the detectives are able to determine what paperwork, currency, or electronics are associated with narcotics sales. Many of these items could be

anywhere in the home, which allows the detective carte blanche to search the entirety of the home. The detective then must also indicate what the property constitutes checking boxes that include:

- Stolen or embezzled property;
- Property or things used as the means of committing a crime;
- Property or things in the possession of a person who intends to use it as a means of committing a crime;
- Property or things in the possession of a person to whom it was delivered for the purpose of concealing it or preventing its discovery and which is intended to be used as a means of committing a crime;
- Property or things consisting of evidence which tends to show that a crime has been committed or that a particular person has committed a crime.

The detective checks the corresponding boxes, which is generally all five boxes, and almost always the final four boxes.

The next section of the warrant asks how the information was received and/or observed. In this section the detective indicates the work put into the investigation and what observations were made that would suggest criminal activity. The amount of information in this section varies far more than any other section, as detectives attempt to put as little information as necessary. Furthermore, detectives generally place fresh information into the warrant, regardless of how long the investigation has been occurring.

When providing information on how the information was received or observed, the detectives split the information into two sections. The first section describes how the detective became aware of potential illicit activity at the location.

> A reliable confidential informant. The informant is qualified as per the Ky. Rules of evidence #508. Detectives have been able to verify and check as being truthful and accurate and has led to several narcotics arrest. The CI has been involved in the drug culture for several years and the CI is familiar with the ways narcotics are sold, packaged and used. The CI informed detectives that a B/M by the name of [name omitted] was living at [address omitted] and was cooking and selling kilo quantities of cocaine from his apartment. He further stated that [name omitted] would sometimes travel out of town and pick up the cocaine and return

> to his residence with a duffle bag. CI informed detectives that [name omitted] was known as being able to cook cocaine into crack.

Certain information included in the affidavit about the confidential informant stand-out. First and foremost the detective ensures that the confidential informant meets state guidelines. Second, the detective states the confidential informant is reliable and is familiar with the drug culture. Third, the detective provides information as to the information the confidential informant possessed. When confidential informants are involved, detectives provide considerably more details to how the investigation arose, then when the detective became aware of activity on his own accord.

> Approximately the first week of [date omitted], I received information about a black male, 18-21 years of age, short stature, known by the moniker of [name omitted], who resides at [address omitted]. I gained information that [name omitted] was selling crack cocaine from his apartment and that he drove a maroon Chevy Corsica.

Detectives note that when confidential informants are not involved, the information they must provide is substantially less. "CIs aren't always reliable, so when we use them we have to justify all their actions. When it's just us [the detectives], we have integrity and trust." The buy is beneficial because it ties narcotic activity to the location, but the detectives want to find supplemental cause, so they reduce the risk of exposing the confidential informant.

Once detectives indicate how they received information or their observations, they then must state what information they received from their independent investigation. This section discusses the various components of the investigation stage including traffic stops, trash pulls, controlled buys, and surveillance. Detectives acknowledge they must provide only enough information to show probable cause. A general pattern by the detectives included at least one instance of surveillance where detectives witnessed heavy

foot traffic into and out of a location; a traffic stop from the observed location; and a controlled buy or trash pull. The following indicates a typical pattern used by detectives:

- [Date Omitted] Detective conducted surveillance of location and witnessed lots of foot traffic into and out of [Address omitted] spending very short amount of time inside before leaving.
- [Date Omitted] Detectives conducted a traffic stop on one of the vehicles occupied by two of the subjects that had just left [Address omitted] where Detective observed one of the subjects leave directly from this address and found them to be in possession of heroin.
- [Date Omitted] Detective again conducted surveillance of location and witnessed lots of foot traffic into and out of [Address omitted] spending very short amount of time inside before leaving.
- [Date Omitted] Detective conducted a controlled buy from this location with a confidential informant where the confidential informant purchased a quantity of heroin inside [Address omitted]. Before making the controlled buy the confidential informant was searched for money and illegal drugs. The serial numbers of the money used to make the controlled buy were recorded. The confidential informant then went to [Address omitted], while being visually monitored by police detectives. Once there the confidential informant entered [Address omitted], purchased a quantity of heroin and left, again followed by police detectives. The confidential informant then met with detectives and turned over the quantity of heroin he/she purchased which was placed in the LMPD property room.

The investigation process used for this particular warrant consisted of two days of investigations. The observation of heavy foot traffic to and from the location, as well as the traffic stop of a vehicle that left the location occurred on the same day. The second phase of the investigation occurred two days later, when the detectives again conducted surveillance and witnessed heavy foot traffic. On the same day, detectives used a confidential informant to conduct a buy and they were able to write the warrant, get it signed, and executed the warrant on the same day as the buy. The investigative information reflects the proactive patrol activities conducted by street-crimes units and the speed in which an investigation occurs.

The final information detectives indicate in the search warrant is their experience as an officer. All police officers are required to verify they are an officer and the number of years they have been an officer. Although, several detectives also include information regarding their qualifications to identify criminal activity, including their work in narcotics divisions and their past training. The qualifications include:

> I am a police officer with the BPD and have been employed in that capacity since Month Year. I am currently assigned to the [unit omitted], which investigates numerous drug and narcotic complaints and have been employed in that capacity since Month Year. I have been a commissioned police officer for more than twelve years with five of those years assigned to narcotics investigations.
>
> During my career as a law enforcement officer, I have participated in several hundred investigations where individuals have violated narcotics law. Through my training and experience as a police officer and through contacts with other agencies, I know:
>
> A. That it is common for the drug traffickers to secrete contraband proceeds of drug sales and records of drug transactions in secure locations within their residence, and/or their business to conceal them from law enforcement authorities.
> B. That drug traffickers commonly have in their possession (that is on their persons, at their residence, and/or at their business) books, records, computer disks and papers containing records of sales and papers containing name address and telephone numbers. That said records are used to keep track of quantities of drugs sold and the amounts collected or owed.
> C. That persons involved in the sale of illegal controlled substances commonly have in their possession (that is on their persons, at their residences, and/or their business) firearms, including but not limited to handguns, rifles, shoguns, and other weapons. That said firearms are often taken in trade for drugs and used to protect and secure the person's property, which may include, but not limited to, drugs jewelry, drug paraphernalia, books, records, and United States currency.

The purpose of including this information is for the detectives to establish their authority and expertise as a detective. The detectives openly acknowledge they have particular expertise in identifying criminal activity, especially involving narcotics and illegal

weapons, and as such they want to ensure the court recognizes this authority. One detective suggested including this information would rebuke defense attorney's attempts to question their training, "if I include this information in the warrant and the judge signs off on it, it gives me more backing because I can say the court recognizes my expertise, so who are you to question my expertise." Other detectives were unwilling to take that far of a position, though they recognized that it helps get the warrant approved and that is what matters at this stage.

When detectives are writing their first several warrants they will always have another detective read it over to make sure all "the bases are covered." Further, newer detectives are required to have a Sergeant or another supervisor sign off on the warrant to make sure it is ready to get signed. Once a detective becomes experienced in writing warrants, and begins to copy-and-paste off other warrants, the detective will stop asking for reviews. Further, when a detective becomes experienced in writing search warrant affidavits, the supervisor will trust the detective and only review the warrant when it is filed. When the detective gets approval or believes the affidavit is ready to be signed, the detective must get a judge's signature.

Getting the Warrant Signed

The final stage of getting the warrant is taking it to the judge for signature. When a detective prepares to get the warrant signed, all other detectives in the unit are expected to cease their enforcement activities. When the warrant process reaches the point of getting the judge's signature, the detectives know that the warrant will be executed within a couple of hours. When warrants are served, sufficient personnel are needed to execute the warrant, which typically requires all of the detectives in the unit. The warrant

becomes the primary objective of the unit, and thus the detectives are expected to not make arrests; however, surveillance and paperwork can still be completed while the warrant is getting signed.

The detectives often conduct warrants in the later hours of the day when the judges are no longer in their offices. The local judicial system has a judge on call each evening, which limits the ability of detectives to judge shop, and also frustrates the detectives as it slows the warrant process. At night and on weekends, the jurisdiction uses a duty judge system whereby one judge remains available to sign search warrants and arrest warrants. This duty is rotated among the judges on the bench. This process is accomplished through a call-in system. The detective calls the clerk's office and notifies the clerk they are seeking to get a warrant signed. The clerk then contacts the on-call judge and finds out where the judge wants the detectives to meet them. The clerk then calls the detectives back and notifies when and where they can meet the judge to get the warrant signed. There are times when the detectives have to go to the judge's house, which is often located on the county borders or even in the next county requiring the detective to drive 30 or more minutes to get the warrant signed. Furthermore, the judge can determine when they will meet, sometimes delaying the detectives an hour or two while the judge finishes dinner.

When the court is in session, the detectives are able to go to the court to get the warrant signed. When getting the warrant signed during the day, the detectives attempt to find a judge who is not in session and has time to review the warrant. If all the judges are in session, the detective will have to present the affidavit in the courtroom. The detective will approach a clerk to have the judge review the warrant by having a conversation at the

bench, or have the judge call a brief recess and meet the detective in the judge's chambers. Whether the review occurs in the courtroom or in chambers, the review process does not last very long.

The detectives know that the judge is primarily looking to ensure they have probable cause and all required information is included in the affidavit. The detectives acknowledge that they rarely have issues with judges looking over the warrants. Often times the judges skim the warrant without asking any probing questions.

> The detectives left at 8:25 p.m. to head downtown to get the judge to sign the warrant. The on-call judge had traffic court and was still in his chambers. We arrived at the Courthouse at 8:30 p.m., bypassed security, and went to the clerk's office. The clerk informed the detectives where the Judge's chamber was located. The detectives arrived in his office at 8:35 p.m. and the judge was finishing up paperwork. The judge motioned for the detectives to hand over the warrants. The judge began skimming the affidavit, and read the document in less than a minute. The judge began to sign the documents, while asking the detective to swear an oath that that evidence is truthful to the best of the detective's knowledge. The detectives left the judges chamber in less than five minutes, noting that 'judges are usually pretty fast and normally do not ask too many questions.' (Observation from Fieldnotes)

Detectives acknowledged that judges rarely asked probing questions about the affidavits they submitted for signature. The detectives under study could not remember a judge turning a search warrant application down outright; rather, they would occasionally have to make minor changes.

Once the judge signs the warrant the detective notifies the unit supervisor to let them know a search warrant is signed and they will be able to execute the warrant. Generally, detectives will not get a warrant signed without assurance that they will be able to execute the warrant on the same day. To increase the likelihood of a warrant being served, the detectives know that if a warrant is possible, they are not supposed to conduct proactive enforcement activity. This means detectives are supposed to avoid traffic stops

or arrests, because it could delay the search warrant. Rather, detectives take the opportunity to finish paperwork, conduct surveillance, or more practical actions like eating dinner.

Summary

Chapter 5 described the procedures detectives used to secure probable cause, namely, the use of confidential informants to conduct buys and the use of trash pulls. Detectives keep tight control of informants when conducting buys, ensuring the informants are searched before and after the buy, and that detectives have an eye on the informant throughout the entire buy process. Detectives will also conduct trash pulls looking for evidence of illegal narcotics. Trash pulls offer the advantage of being quick, and the detectives do not have to rely on confidential informants. The detectives will use the information received during the trash pull or buy along with their proactive activities to build the probable cause. Once detectives believe they have enough probable cause, they will write the warrant. Writing the search warrant involves following a general template, where detectives copy and paste from prior warrants that were signed by judges. Detectives are sure to fill out all required information, but have developed techniques for including court approved language to ensure the warrant is approved. The detectives provide descriptions of the location to be searched, the evidence to be seized, and provide only enough investigative narrative to get approved. Finally, the chapter shows that detectives are limited in their ability to judge shop. Most search warrants conducted by the detectives occur in the evening when their only option is to use the on-call judge. During the day, detectives go to the first available judge because they do not want to waste time at the courthouse. None of the detectives in the study indicated ever

having a problem getting a warrant signed, which likely explains why they do not attempt to judge shop.

CHAPTER VI

PREPARING FOR THE RAID

Personnel

When the warrant is signed, the detectives begin to focus on the planning stages 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, and the detectives believe experience is vital in conducting warrants. As such, the units under study tend to serve warrants with the same group of detectives time and again. This includes their own unit, but also the units they call for extra manpower. Whether the detectives are from their own unit or from other divisions serving warrants together multiple times breeds familiarity and trust.

It is at times difficult to get ten detectives to execute a warrant. Police organizations suffer challenges similar to other enterprises such as injuries, sick days, vacation, training, or working different shifts. When the detectives are no able to get enough personnel they have to delay a search warrant for safety concerns. Since the detectives know they have time limitations for warrant service and that they need

sufficient personnel to serve a warrant, they will not get a warrant signed until they know sufficient personnel are available. The number of personnel for a warrant is contingent on the size of the location, the number of people at the location, and the risks associated with the warrant. If a residence is large, the warrant requires enough detectives to have two individuals clear each room, while also having sufficient personnel holding the stairways. These are general rules of safety that are discussed more in chapter 8. The number of people in the residence also dictates the number of detectives needed for the warrant. The process of clearing a house requires detectives to secure all residents. A detective explained the concern of not having enough personnel to control the situation,

> If we wait too long on this warrant, there could be over forty people at the location. That's unsafe to do with 12 guys. We've been going back and forth with our supervisor and SWAT supervisor, and SWAT doesn't have the bodies tonight. So if we hit it early we can do it, but if we wait, it won't be safe. Even now, there's like 9 or 10 people there, that's one of us per them. It makes it hard to safely clear the building.

The size of the location and the number of occupants in the location are important factors in determining how many law enforcement personnel are needed to execute a warrant, but another factor to consider is the risk associated with the search warrant.

For all search warrants, BPD requires detectives to fill out a search-warrant risk matrix. The search warrant matrix determines whether or not the SWAT team is required. BPD has a part-time SWAT team that is on-call for high-risk warrants or hostage situations. The SWAT team members have full-time positions within the department (e.g., patrol officer or detective), and when paged for a SWAT event are released from their normal duties. The decision to involve the SWAT team is determined by the results of the search warrant matrix. The matrix is based on a point system covering seven different areas of concern with 23 questions spread throughout the seven areas. For each

of the seven sections detectives are asked questions about potential risks for weapons and violence.

The first section asks the purpose of the warrant (points are in parentheses): property crimes (0), crimes against persons (1), or for drug possession/distribution (2). The second section refers to arrest warrants, and ask whether the arrest warrant is for property crimes (0), crimes against persons (2), and drug possession/distribution (3). The third section asks several questions about the individual who identified in the warrant and in particular about his/her criminal history. These questions distinguish between a history of property crime (0), crimes against persons (1), prior statements regarding resisting apprehension/search (3), history of arrest/involvement of drugs/narcotics (4), a violent criminal history (4), and prior use of firearms during the commission of crimes (10). The fourth section of the matrix asks a series of questions regarding entry into the location, such as minimal forced entry (0), location has counter-surveillance (2), location requires a ram or sledgehammer (3), and location is fortified requiring specialty breeching (10). The fifth section asks about the potential of weapons at the location: firearms are readily available to suspect at the location (2), previous runs to location included weapons involved (3), subject is known to carry firearm (4), and subject is always armed (6). The sixth section asks about the subject's history of using weapons including a history of assault or resisting arrest offenses against police (8) and possession of automatic weapons (25). The final section asks whether the warrant is outside the requesting division's/unit's capabilities.

The detective filling out the matrix is asked to check only one block, specifically the highest applicable block, in each of the seven categories. The total score then dictates

whether SWAT will be involved. A score of 0-14 allows the unit supervisor to execute the warrant. A score of 15-20 allows for consultation with the SWAT Team commander, but the warrant does require approval of division/unit commander. A score of 21-24 requires consultation with the SWAT Team commander, and requires approval of the division/unit commander. Finally, a score of 25 or more points requires the SWAT team to execute the warrant, requires approval from division/unit commander and notification of the Commander of Support Operations.

The use of the SWAT matrix is an attempt for actuarial accountability of the risk involved in serving warrants, but the involvement of SWAT in these warrants is of a more subjective nature. When the SWAT team has to respond to multiple calls during a month it can lead to fatigue and decrease their interest in serving a search warrant. As such, these units may not use SWAT, even if indicated in the matrix, due to their relationship with the SWAT unit and repeated familiarity with the search warrant process. A level of trust has developed between the units and SWAT personnel.

On the other hand, the SWAT team is allowed to participate in any warrant. For instance, one evening detectives were going to serve two warrants, one of which scored high on the search warrant matrix and required SWAT. The second search warrant did not score high on the matrix. Since the detectives had a shortage of personnel they used SWAT to make entry and secure the location.

The detectives recognize the importance of SWAT for certain warrants, but also note the search warrant matrix is a bureaucratic tool that was created for political reasons. Multiple detectives noted the matrix was revised to increase the workload of SWAT in hopes of justifying a full-time SWAT team. Further, detectives recognize that any

information on the search warrant matrix that is unknown results in the higher score. As a result a supervisor indicated

> If you filled out the matrix truthfully you would have to call SWAT every time just for not knowing certain information. Really it comes down to taking the factors seriously and using your experience to make judgments.

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. Detectives will also wait to fill out the matrix until after the warrant and when they have to file their search warrant affidavit, arrest forms, and evidence logs. A detective explained the process of providing low scores and waiting,

> If you fill the matrix out and it scores high, you then have to call the SWAT commander. It's late right, so the commander might say SWAT will do it, and then you have to wait for them to show-up and prepare which could delay the warrant 2 to 4 hours. Or the commander could tell you to wait until the next day. If we feel good doing the warrant ourselves, we aren't bothering with them [SWAT].

Of the 73 search warrants observed during the research, 11 of the search warrants were executed with the SWAT team. The following discussion on surveillance and the brief will focus on the detective units under study, but will note how SWAT alters the approaches in each of these areas. Furthermore, chapter 8 will discuss the entry and securing of the location and will differentiate between warrants executed by the detectives and warrants executed by the SWAT team.

Pre-Warrant Execution Surveillance

Once personnel are secured for the warrant, the detectives then focus on whether pre-warrant execution surveillance[3] (hereinafter surveillance) should be conducted and if so, to what extent. Detectives repeatedly state the importance of surveillance. And

throughout observations of the unit, the significant of information gathered through surveillance is identified especially during the briefing and when detectives make entry into the search warrant location. Surveillance serves several purposes for the detectives and the search warrant process. Surveillance provides up-to-date information for the detectives of who is present in the home, especially the target of the warrant. Surveillance also indicates the number of people present, which as mentioned earlier may require additional detectives to execute the warrant.

Pre-warrant execution surveillance also verifies information for description of the house and the surrounding area. This information includes the presence of dogs and their location, the presence of security doors, security bars on the windows, and best routes to approach the house. During several warrant briefings, detectives would ask about the presence of dogs or security doors. Surveillance allows detectives to ask questions and gain additional information on the warrant target that was not obtained during the investigation. The pace and number of warrants conducted by the detectives, at times, inundates the detectives with information and they struggle to keep information straight. Detectives acknowledge that surveillance allows them to get a better understanding of what is occurring in the area and allows them to develop a better plan of attack for the warrant:

> If we have someone watching the house, we know what is going on. We know if the target is there and we know who else might be there. It makes our job easier and safer if we have eyes on the house.

The ability to conduct pre-warrant surveillance is related to the number of detectives available to execute the warrant. When SWAT is involved, the detectives conduct pre-warrant surveillance because they know they have enough personnel available to make

entry and clear the location. Further, when SWAT is involved, the SWAT commanders are going to ask more questions since they were not part of the investigation, which will require the detectives leading the warrant to provide answers. This requires pre-warrant surveillance. When SWAT is not involved, there may not be enough people to conduct pre-warrant surveillance, or the detectives simply overlook surveillance in their planning stage.

> While waiting for the warrant to get signed, a detective asks whether or not 'there were eyes,' suggesting that someone needs to be watching the house now. At that point no one was conducting surveillance, and a detective began describing what he would do if it was his case. 'I would have had eyes on it as soon as we decided we were going to do the warrant. That way you know who is coming and going, and whether or not the target is even there. It's simple, use an inconspicuous car, you only need one person in it, shut the car off and watch. Instead we are all standing around here.' (Observation from Fieldnotes)

This shows the failure to conduct pre-warrant surveillance is a matter of disinterest or poor planning. When surveillance is not conducted, detectives will suggest they do not want to get burned or spook the resident. As one detective noted, "they all know our vehicles now, we can't get close enough without getting spotted, and why bother taking that risk." The concern of getting spotted is universal, but the units under study had unmarked vehicles they only used for surveillance. There is also concern of not having time. When detectives are conducting quick warrants, they do not want to take the risk of waiting longer than necessary. The articulated risks of getting spotted or wasting time is really an issue of lethargy. The officer does not want to go back to their station and pick a new vehicle. They were unwilling to take the time to conduct pre-warrant surveillance. When detectives strongly feel pre-warrant surveillance is necessary, they will carve out the time to conduct surveillance. When the detectives become impatient and want to hit a door, they are more likely to bypass surveillance. When surveillance does occur,

detectives are able to use four means to secure the surveillance: through a detective in an unmarked car, pinging cellphones, use of pole cameras, and through confidential informants.

The primary means for conducting pre-warrant execution surveillance is by using unmarked police cars. The detectives under study all have unmarked police cars for their patrol activities, which are useful for undercover activities. Though, since the detectives use their vehicles for patrol activities in the same neighborhoods, their vehicles do become known in the neighborhood. As a result, each of the units has vehicles that they primarily use for surveillance. When conducting surveillance in vehicles, the detectives will drive into the neighborhood and attempt to park several houses down from the location, where they can see the front door and watch who enters and exits the house. When parked, the detective will turn the vehicle off, or if left running will put covers over the dashboard so the inside of the vehicle is dark. The detectives will then lean their seat back and use binoculars to watch the residence. The detective's goal during surveillance is to get an idea of how many people are in the residence, whether the target of the warrant is home, and to be able to answer any questions about the location. Surveillance can last a few minutes to a few hours depending on how long it takes for a target to return to the location.

> The detective is sitting in the construction van, three doors down from the targeted house. The detective is in the driver's seat and I am in the passenger seat. The detective notes he is keeping track of who comes and goes from the house, and if he sees the vehicles that are also targeted for the warrant. 'If we see the vehicles, we will try to conduct a traffic stop a couple blocks away and tie them up until we can hit the door.' The van is turned off and its 93 degrees outside. There are residents mowing their grass looking at us, and the detective hopes none of them come up and talk to us. It is day light and it is clear for anyone paying attention there are two people in vests sitting in the van. Our view of the house is partially blocked by a tree, but there are no other parking spots available on the

> street. We sit in the van for three hours, while the warrant gets written, signed, and the other detectives brief. The supervisor finally calls and tells the detective how they are going to approach the house, and that he is responsible for covering the front door after entry. Now we wait. (Observation from Fieldnotes)

Conducting surveillance is not a pleasurable activity for the detectives, none of them enjoy it, but they do recognize its importance. When possible, detectives use technology to conduct surveillance. In particular, the city is installing more security cameras and pole cameras which the detectives can access through their laptops or cellphones.

> As the detectives are planning for the warrant, a detective in the intelligence unit begins to monitor the two pole cameras set up on the street. The detectives have been monitoring the target locations for four months with the pole cameras and now know where the drugs are stashed. The detectives made sure to emphasize to everyone participating in the warrant that the cameras are live and the detectives need to watch their behavior. (Observation from Fieldnotes)

> The detectives are starting to arrive for their shift. One detective begins to look through the security cameras in the city to see if anything is going on. The detective began to discuss how easy the cameras made conducting surveillance, and even using to get probable cause from. They try to not use the cameras too much for probable cause because they do not want to burn the camera's location. The detective indicated the benefit of the camera when preparing for a warrant. 'We don't get to use it often, but when we are serving a warrant where there is camera, it makes planning a lot easier. We can see exactly where we need to go, who is outside, and if there may be any problems.' (Observation from Fieldnotes)

The detectives note the dual purpose of the surveillance cameras, to be able to observe criminal activity and prepare to execute a warrant. The detectives treated the surveillance cameras as a perk, rather than something they really needed.

A final source of surveillance comes from confidential informants. There are instances where confidential informants live near the targeted location and are able to provide information to the detectives while sitting in their homes. On several instances, detectives would call a confidential informant to determine if the target was at the location, whether or not the door was open, and how many people were present.

Surveillance provides additional information for the detectives, which is important in light of the short investigation process used for many of the raids. Through pre-warrant execution surveillance detectives are able to acquire information that they did not know or attempt to learn during their investigations.

Briefing the Search Warrant

When it is decided there are sufficient personnel available for the raid, the warrant process shifts towards planning how the raid will be executed. Similar to determining which personnel to use, the planning phase is often hectic, though the planning does contain two aspects: a briefing that provides an overview of the location and target, and the assignment of personnel to their specific responsibilities during the raid.

The warrant briefing is a short meeting that involves all the personnel participating in the raid. It serves the purpose of allowing the participants to meet and receive information related to the execution of the search warrant. The briefing will usually take place at the unit's office, but will occasionally take place in parking lots hidden from view of the public. The briefing does not start until all personnel have arrived. While waiting for the detectives to arrive, the person responsible for executing the warrant begins to write on the whiteboard the pertinent information to the warrant. This information includes the address of the location, the purpose of the warrant, the name of the targets, the criminal history of the targets, the presences of weapons, children, or dogs, the assignments for each detective, and a route to the hospital.

> 11:54 everyone arrives at the parking lot to plan out the warrant execution. The lead detective is sitting in the car going over the warrant and talking to the informant while everyone else sits around talking. One detective is providing stories while we wait, another is stretching, and two other detectives are reviewing how to operate the pick while discussing the type of door they will be hitting and whether or not it will be locked and if there is a security door. The lead

> detective goes through the details of approach, the entry, the amount of people in the house, the order of the rooms in the house. The lead detectives then indicates that there was a 6 month old child in the house, the baby mama and her mom, one individual living upstairs, the suspect, and two dogs. The kid driving him in the jeep was another Tech Town kid. The confidential informant indicated that there was a mac10 and a 40 caliber in the house and there have been drugs in there. The lead detective next discussed the target's criminal history, his previous charges, in particular his history of violence and the lack of prior drug crimes. He also discussed the best route to the hospital from the warrant site in case it's needed, in addition to having an EMS on standby. One patrol officer was present, and responsible for pulling in front of the house with the lights and sirens on when they hit the door. A picture of the suspect and a picture of the house were passed around to all parties. We waited for him to come back to the house in the red jeep; the confidential informant was providing the information. They then went through the assignments for the warrant, noted who was on the ram, the pick, and then noted who else would be in the stack and in what order. One detective was assigned to the side door, and another would cover the back. The lead detective reemphasized the need to wait to go upstairs until they had enough people. Finally, they discuss what streets they would take to approach the house and that they would stop three houses down from the target house. No one had any questions, and the detectives loaded up in their vehicles and headed towards the house. (Observation from Fieldnotes)

During the warrant briefing several areas of concern for the detectives are discussed with an emphasis on the concerns for safety during the warrant execution process. When conducting the brief, the detectives always mention prior violent history of the target, especially as it relates to weapons charges or violence against the police. The detectives also discuss the hospital route in case anyone is injured. Finally, all persons involved in the warrant are given their assignment. The primary assignments include the detective who will operate the ram, a detective assigned to the pick, and the verification officer. The verification officer is usually the lead detective on the warrant and is responsible for identifying the correct house and the target of the warrant. Several detectives are also assigned places in the stack[4] to assist in clearing the location. Finally, detectives are assigned to cover the back and/or side exits in case someone attempts to run. The supervisor always notifies dispatch and EMS when conducting a warrant. Dispatch is

contacted so if neighbors call 911, the dispatchers know a warrant is being served and it is not a home invasion. EMS is notified and positioned in the vicinity in case anyone is injured. A detective explained the presence of EMS, "if any of us [the detectives] get hurt we are throwing them in a car and rushing to the hospital, that's why we put the route on the board. EMS is really for the residents." Finally, the supervisor calls a canine officer to request a dog to search the house.

The discussion points during the warrant execution briefing are consistent across all warrant executions and follow a bureaucratic and routine process through which information is provided to the detectives. The brief also provides opportunities for the detectives involved in the execution of the warrant to ask questions about the house and the subjects. When pre-warrant surveillance is being conducted, the detective conducting the surveillance will update the brief with information on who is present and answer any questions about the location. Out of the 73 briefs witnessed during the study, detectives always took the brief seriously and paid attention to the information being provided. Though, in observing the briefs, there was a difference in tone during those briefs involving a routine versus a non-routine, and therefore risky, warrant execution.

> 1:40 a.m. the detectives started planning the warrant. The first part of the brief was normal; the detectives were relaxed as the lead detective went over the information on the house and target, the approach to the home, everyone's assignment, and the route to the hospital. Once the brief information was provided, the tone changed and the detectives became more somber. A supervisor emphasized that they needed to be careful, 'A house down the road from this guy, just got robbed, so you know he is probably on edge. The ci said he has a gun, so he probably won't wait to see who is coming through the door. We need to actually announce our presence this time, before going in. Give the guy an out to get rid of the gun, actually announce this time.' The emphasis on actually announcing is different from prior briefings and indicates the tense situation. A detective begins to stress the need to stay behind the shield, and have two people secure each room. Two detectives switch out their bullet proof vests for vests containing armored plates, a rare action in these situations. The SWAT matrix

> was filled out, but they marked it as a 14. A third detective emphasizes the need to be safe, and indicates 'don't worry about going fast, he can't flush the drugs, it's not worth getting hurt for.' An admission of not being able to flush the drugs is rare. (Observation from Fieldnotes)

The brief for this warrant execution followed the usual pattern. What was apparent was the change in tone due to recent violent activity in the area. The detectives proceeded through the basic information related to the warrant execution and then a supervisor emphasized to the detectives "we need to make sure we knock for real this time. The guy is going to be on edge, there was just a break-in down the road, and we want to make sure he knows it's the police." The supervisor's statement was significant because it emphasized the need to knock and announce that they were police, a task rarely done, and it was out of character for the unit. Further, one detective continually emphasized to stay behind the shield, a statement often left unsaid during most search warrant briefings. Finally, this brief set apart others because the detectives acknowledged not rushing in the house, because the occupant would not be able to flush the drugs, so take your time and be safe. The detectives were able to secure this warrant in under six hours, which includes the traffic stop and arrest of the driver, flipping him for information, signing him up as a confidential informant, writing the warrant, getting the warrant signed, briefing the warrant, and making entry. The pace of the warrant and the nature of the brief are indicative of the detectives not wanting to delay the warrant any further by risking bringing in SWAT or waiting to gather further information on the home.

The search warrant brief for detectives is often routine. Detectives are rarely worried about the details of the warrants, and are usually excited to hit a door. When there are concerns about safety or the risk of violence, the SWAT team is used to execute the warrant. The presence of the SWAT team alters how the brief is conducted.

SWAT does not start then planning session until everyone is present, which slows down the briefing process. While briefs usually last less than ten minutes, when SWAT is involved the brief can take one to two hours, with much of this time waiting for all the SWAT members to arrive. As the SWAT team arrives, the SWAT commanders begin to review the search warrant affidavit and the information on the residence and the target. With the involvement of SWAT, the notion is that the warrant execution is riskier and will require increased speed and force. The detective who wrote the warrant discusses with the SWAT commanders the nature of the case.

Everyone has the opportunity to provide input and ask questions, although the SWAT leaders are generally in control. When the SWAT commanders have all of their information prepared and their paperwork finalized, the brief can formally begin. The detective in charge of the warrant first presents the background of the case. The detective writes the information on the white board that they then use during the presentation during the briefing. This may also increase the time it takes to complete the briefing.

> The lead detective starts the briefing by giving background on the suspect and the location. We are hitting [address omitted]. The target is going to be [name omitted]. He is a big boy, he is 245 6'2. He has priors for robbery 1st and kidnapping, tics [trafficking in controlled substance], tims [trafficking in marijuana]. The CI gave me information on this a couple of weeks ago, said he is selling dope out there. There is a camera right on the front door; I think it is on the left I cannot even see it on there. He said there is no light on at the front of the residence. The camera is on the front. On the fourth side of the house there is a dog, it is a pit bull. The chain leads up to the front, somebody might have to kill the dog. We did a trash pull yesterday and got a bunch of bags that tested for cocaine. The CI said there might be a gun in there, if there is one there might be two. There are no kids or other people in there. I have seen a lot of people come to and from the house, but we haven't done any stops. Do you have any questions? There is a vacant lot next to the location, on the four side there is a royal blue Cadillac. It is really dark in the back. Is the chain to the dog long enough? We didn't see the dog in the front porch, so we are not sure if the chain is long enough. I have never seen the dog on the front porch, but then again I have only driven by to look. (Observation from Fieldnotes)

Once the detective provides the information, the SWAT commander discusses the plan of attack including information on how they will make entry, and the assignments. The SWAT commander additionally distributes assignments to the SWAT team members present. Since the assignments cannot be completed until all SWAT members are present, so the commanders knows who is available, this additionally extends the length of time it takes to complete the briefing.

> A SWAT commander begins the brief. We are going to breach through the 3 side, the backdoor. You're on the ram [he points to a SWAT team member], you on the ram. We will breach and hold on the left side. What we are going to do is go up the 2 side so you can avoid the dog. A member will have a ram, another will have a pick, and someone will have a bang in case you need it. Detective will have the fire extinguisher and whatever else you need to shoot the dog (the rest of the members laugh at the comment). The lead detective interjects, based on information from our surveillance; the lights are on in the house. The front door is wide open right now, and they discuss how that will alter their plans and in particular the entry. The SWAT commander continues to go through the list of responsibilities, noting who is responsible for a bang. They then discuss who is going in what vehicle. Entry team will be in the van. Once all assignments are given, the briefing commander begins to ask each team members what their roles are. One member indicates, 'I'm ram, breach, and hold.' He finishes by asking what happens if they get mixed up in the stack. Their response: fall in and move through it. They then all rise and get ready to load up. (Observation from Fieldnotes)

The SWAT strategies planned and presented during the briefing provides insight into how risky they consider the warrant execution to be. The presence of the BEAR (armored personnel carrier), the use of flash bangs, the number of SWAT team members used, the rake and brake of windows, the use of multiple dynamic entries, and level of barricades, all speak to the risks identified in the warrant execution process by the SWAT team. For instance, the breach and hold is a tactic used for two purposes. First, a breach and hold creates a distraction for the occupants. When two doors are hit simultaneously the occupants tend to get startled and are unable to move giving the SWAT team an extra

second or two to move throughout the house. Second, the breach and hold provides a second entry point, in case the primary entry point is barricaded, the entry team can then move to the second location.

Regardless of the level of risk involved in the search warrant, whether served by SWAT or by the detectives, the entry is fast and violent. As one detective noted, "the goal is to hit them fast and hard. We want to shock them before they can react." The following chapters describes the entry process in further detail and how the detectives and the SWAT team conduct their entries, clear and secure the location, and search the residence for the targeted contraband

Summary

Chapter 6 began by indicating how detectives determine what personnel are needed for a warrant. Detectives prefer to conduct a warrant with only people from their unit, but this is not always possible. The study indicates that a warrant should be served with at least ten people, although the context of the warrant could require additional personnel. When the detectives are short on personnel, they will call plain-clothes detectives from other units to assist, or will bring-in patrol officers they trust. Detectives attempt to avoid serving warrants with people they do not know or do not trust. There are certain situations when detectives are required to bring in the department's SWAT team. The department requires detectives to fill out a search warrant matrix that takes into account the risk levels associated with the warrant. The matrix considers factors such as the target's criminal history, the presence of weapons, the presence of animals, and how secure the home is (e.g., security doors or bars). If the matrix score is too high, detectives must call in the SWAT team. When the number of personnel is determined, detectives

must then decide whether or not to conduct pre-warrant surveillance. Pre-warrant execution surveillance occurs when detectives watch the target location, and it provides detectives up-to-date information on whether the target is home, how many people are in the home, whether the door is open, along with other information the detectives request. Pre-warrant execution surveillance occurs by detectives sitting in unmarked cars watching the location, through confidential informants provide information, or through surveillance cameras. Detectives describe pre-warrant surveillance as being an important part of the process, as having fresh information lets them develop a better plan which increases safety. The detectives acknowledge, however, that if they are in a rush or are short on personnel they will not conduct pre-warrant execution surveillance.

Chapter 6 also describes the briefing process. A briefing occurs before the execution of every warrant. The brief begins when all the personnel involved in the warrant execution are present. The lead detective on the search warrant conducts the brief and it is an opportunity for everyone to know the location, target and purpose of the warrant. The lead detective also discusses the criminal history of the target, the presence of weapons, guns, or children, and the number of people in the home. The lead detective also indicates the route to the hospital in case anyone is injured, and the route the detectives will take to the warrant location. Finally, the lead detective assigns each of the personnel a role in the warrant execution (e.g., operate the ram or pick, provide cover) and discusses how the detectives will approach the house and make entry. When the SWAT team is involved in the warrant execution, the lead detective will still provide all the background information on the warrant, but the SWAT commander will develop the execution plan, determine assignments, and determine the route to the location. The brief

process is typically completed in less than 20 minutes; however, when SWAT is present the brief can take over an hour. The brief process reveals what the detectives consider safe and unsafe and in what conditions create risk.

CHAPTER VII

HITING THE DOOR: ENTERING, SECURING, AND SEARCHING THE LOCATION

Making Entry

When the brief is finished, the detectives put their equipment on (e.g., tactical vests, safety glasses, and gloves), gather into their pre-coordinated vehicles, and prepare to caravan to the location. The detectives make sure they have signed copies of the warrant, the ram and pick, citation forms, seizure forms, gloves, and their vests. The detectives take an indirect approach to the location so they are not seen coming and the occupant of the location is not tipped off. As they approach intersections, the detectives make sure everyone makes it through before continuing on. The detectives follow the path they have set in the brief.

The detectives stop short of the target location. When possible, the detectives park in an alley. The detectives exit their vehicle, form their stack, and approach the location on foot. Each detective is in their assigned place, they hug each home as they pass to stay out of sight of the target location. The detectives usually serve warrants at night which gives them additional cover on their approach. When the detectives reach the home they approach the front door and the entry begins.

> The stack is in place. As they reach the door, the pick is slammed into the security door and the ram hammers it into place, the detective then pulls back on the pick breaking the security door open. Detectives begin to yell "POLICE, SEARCH WARRANT," announcing their presence. The patrol officer pulls up in front of

> the location and hits his lights and siren to add additional indication it's the police. The detective on the ram moves forward to hit the primary door, but loses grip when the security door swings back and hits him. The third detective in the stack grabs the security door, while other detectives continue to yell "POLICE, SEARCH WARRANT." The ram crashes into the door two times and the door opens. The ram is tossed and the detectives move into the building. (Observation from Fieldnotes)

Making entry through the door does not always go as planned. More often than not, detectives make entry through the door within two or three ram hits on the door. The vast majority of warrants are conducted on homes that possess old wooden doors that are easy 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 universally agree that when they get to the door, the only thing that matters is getting in and securing the location. Their focus is exclusively on ensuring the detectives are not harmed. When the detectives are unable to make a clean entry into a location, their adrenaline increases and they note "it exposes us to greater risk of harm." In multiple instances, detectives attempted to break down doors that were dead-bolted into a steel frame which resulted in their inability to make a clean entry.

> The detectives turn the corner and climb the ramp to the front door. The building is a two-story concrete building, and the door is steel with a steal frame. Detectives noted while driving to the location, that 'if the door is dead-bolted, it's going to be hard to get through.' As the stack approaches the door, the ram swings back and hits the door as they yell "POLICE, SEARCH WARRANT." The ram swings and hits again and again, while the detectives continue to yell. Three more swings and the door has not given. Finally, the detectives yell "SWITCH," indicating that the next person in the stack needs to take over swinging the ram, as the first detective becomes fatigued. Three more swings, and the detectives finally make entry. (Observation from Fieldnotes)

When the detectives cleared the residence, and came out they began joking about how long it took to get through the door. When a detective fails to get through a door with a ram, his manhood is questioned by the other detectives and they take the opportunity to joke with him. The door frame never budged, but the deadbolt eventually gave out. One detective noted that, "if he [the resident] would have barricaded the door, we would have never got through. One time SWAT tried to hit an apartment across the yard, and cracked the foundation, if you go look you can still see it." The detectives were not prepared to take turns with the ram, and if the target was home, he would have had time to flush any contraband. After the detectives finished joking about the entry, the supervisor conducted a debriefing emphasizing the need to have someone prepared to assist with the ram in the future, when needed.

When the detectives approach the location and there are people on the porch or in front of the residence, they must first secure these individuals. If the detectives have conducted pre-warrant surveillance they know there are people outside ahead of time, and one or two detectives are given the responsibility to secure those persons. This allows the front of the stack, and especially the ram and pick, to have a clear path to the door for entry. The detectives also assign someone to cover the other exits in the home, such as the back or side door. When detectives have not conducted pre-warrant surveillance, they must react to the situation, and they know the people in the back of the stack are responsible for securing those persons outside the location. If the detectives reach the front door and it is open, they will drop the ram and pick and begin yelling "POLICE, SEARCH WARRANT" as they enter the residence.

The use of the SWAT team on a search warrant changes the dynamic of the entry. The SWAT team's approach is fast, violent, and causes substantially more damage to the residence. Unlike the detectives who only make entry into one doorway, the SWAT team makes multiple breaches as a distraction technique as well as a means to provide additional cover for the entry team.

> SWAT is loaded in the BEAR and in a van which makes them stand out. SWAT is taking a longer route to the location, but the detectives in their unmarked cars are taking a more direct route. SWAT reaches the alley behind the house and unloads; they walk through the alley in a line approaching the house. The detectives park four houses down in front of the home. The detectives approach the house and hide behind a set of bushes. There are several people on the porch of the target location and it is the detective's responsibility to sweep everyone off the porch and secure them. The SWAT team approaches the rear door where they will make primary entry, they swing the ram for the first hit and the plain-clothes detectives jump out and start tackling the people on the porch to secure them. They run with their guns out, as the occupants of the porch are spooked by the rushing of the police and the sound of the ram hitting the door. The SWAT team hits the rear door two more times but recognize it is barricaded. The SWAT team then moves towards the front of the house and in one swing breaks the through the front door. The third man in the stack throws a flash grenade into the home and they move in. (Observation from Fieldnotes)

SWAT teams are used to make entry because they have received training in using specialized tactics for dynamic entries. These dynamic entries include rake-and-breaks, where teams of two or three SWAT members break windows to distract residents, and then point their rifles into the home to provide cover for the entry team. In addition, to making their primary entry, SWAT team members will also break through a secondary entrance, but will hold the doorway rather than proceeding into the home. The SWAT team is also allowed to use flash-bang grenades, and will throw the grenades before entering the home which means there is sometimes no one in the home when the grenade is thrown, such as the scenario above.

Another tactic the SWAT team is allowed to use is a no-knock warrant. A no-knock warrant is allowed when there are special circumstances that may put the police in increased harm. No-knock warrants must meet legal oversight and be signed off by a judge. No-knock warrants occur when a location has security cameras or look-outs, or when the resident of the location has a history of violent crime. During no-knock warrants, the SWAT team uses similar entry techniques, with the exception of not announcing their presence. The distinction between the detectives and SWAT members conducting a knock-and-announce raid versus a no-knock raid is minimal in practice, but under the law there are noted boundaries.

Entries conducted by the detectives or by the SWAT team are meant to surprise the residents using volatile techniques that shock and overwhelm the occupants. The rapid entry, often late at night, using specialized battering rams and picks, the use of flash-bangs grenades by SWAT teams, the breaking of windows, and the shouting all frightens the occupants into not being able to react immediately. This provides time for the detectives to secure the location and the alleged contraband in the residence.

Clearing and Securing the Location

As entry is made, the detectives quickly shift their focus from getting in to the home to securing the location. When the door swings open, the movement quickens. The person on the ram and the pick drop their tools and move into the residence. The detectives have their guns and flashlight drawn as they enter the home. The detectives rarely have blueprints of the home, so they have to react as they move through the location. The detectives may not know what to expect inside, however, they do follow a few basic rules learned through training and experience.

The detectives under study and the SWAT team both make use of a shield while clearing a location. Generally, the third man in the entry stack possesses the shield, a ballistic safeguard used to protect the detectives from small arms fire. When a shield is used, the person on the shield attempts to drive forward through the house. As the detective on the shield approaches an occupant, he will yell for them to get on the ground. If the resident complies he will continue to move and another detective will secure the individual by placing them in handcuffs. A detective explains this process,

> When I am using the shield, I want to push through the house. When I went in I saw her [an occupant], she wasn't a threat and then I drove on until the back room. Couldn't take it downstairs because it was too narrow.

Detectives know they are supposed to follow the shield as it goes room to room looking for residents who may be hiding. As detectives approach stairs, they will clear the immediate space around the stairs and then detectives in the stack will hold the stairs until the primary floor is clear. Once the primary floor is clear, they will split up and search the other floors in groups of two to four.

As detectives find individuals in the location, any furtive movement by the individuals will result in them being tackled and handcuffed with plastic zip ties. The general rule for detectives is if you "catch 'em, you clean 'em," referencing the notion that if you run across someone in the house it's your job to get them on the ground and put handcuffs on them. A detective noted,

> We try to drive and have people peel, but with people in the house and they might have guns, you have to get them down, then drive through. You take on the known and evaluate, then think about the unknown.

Detectives are expected to secure persons in the location quickly so they can continue with the search. In multi-story locations, the detectives will not go upstairs or downstairs

without assistance and detectives regularly emphasize the need to have "two people per room." Detectives and SWAT team members are taught that two people can safely clear a room by covering all corners of the room. As detectives move throughout the structure, they know that the first person in the stack is never wrong, and therefore must adjust according to the actions of the person in front of them. This rule ensures that the most experienced and trusted detectives go through the door first, because the other detectives must follow their lead.

The detectives and SWAT team uses similar techniques to secure the room. Many of the detectives in the units under study have experience on the SWAT team, or work with the SWAT team on a regular basis, which ensures they all follow the same protocols. A difference in the SWAT team clearing a location is the use of flash-bang grenades. The SWAT team will use flash-bangs inside the location to disorient the occupants, but they will also use flash-bangs outside of residences if there are wanted targets standing outside. The only exception to the use of flash-bangs is the present of children, as a detective notes "flash-bangs can cause irreversible damage to children's hearing and is not worth harming them. They aren't the reason we are here and no one wants to hurt a child."

While clearing and securing the location, the detectives assigned to watch the backdoor of the location hold their positions until they hear the all clear from the detectives inside. There were no instances where an occupant inside the location ran out a rear or side exit when the detectives made entry, and detectives never indicated that someone was able to get away as they made entry. The detectives acknowledge that the pace of the entry and clearing the house is hectic, and there were times when the

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.

> The detectives made entry in to the home and began clearing the house. Sergeant was covering the side entrance to the home. The patrol officer, after hitting his lights and sirens ran to the back to provide cover. As the last detective in the stack entered the home, a red Jeep matching the suspect's vehicle drove by and stopped two doors down from the house. A man jumps out of the passenger seat and runs back towards the house with groceries in his hand. The kid ran right into the house believing that someone was breaking into his house. The kid running in to the house startled the detectives and put them on edge. Once everyone was secured, the detectives started yelling asking who was supposed to cover the front, realizing their mistake. The detectives were on edge as the suspect was supposed to be inside, and was also expected to be armed. One detective shouted, 'well we fuckin got lucky on that one.' (Observation from Fieldnotes)

The detectives recognize the dangers associated with making a dynamic entry into a person's location, and it is their primary explanation for why they move fast and use force to clear and secure the structure. What the detectives do not discuss is their own role in creating the risks and only realize their mistakes afterwards. When a detective is harmed or uses force the detectives remember the events, when the detectives made a mistake these situations are forgotten and not discussed. The detectives on several subsequent warrants failed to cover the front entrance.

The clearing of a residence is a quick process that generally takes less than five minutes from approaching the door to exiting the location. When the SWAT team is involved in the warrant, the clearing and securing of the location is their last involvement in the warrant process. On several occasions the time it took for the SWAT team to unload, hit the door, clear and secure the residence, and load back up was in the five to

seven minute range. The SWAT team would then return to their headquarters to de-brief and conduct a review of the events. The detectives in the unit who wrote the warrant, however, would stay at the residence to begin the search of the residence.

Searching the Residence

When the detectives finish clearing the residence, any occupants in the location are brought outside to the front of the house. The detectives begin to question the occupants to their presence in the location, whether they live there or are just visiting, and then why they are present in the location. Children present a particular issue for the detectives. The primary goal is to get other family members to pick up the children and take care of them. In other instances, especially late night warrants, the detectives allow the mothers to care for the children. Although, if the mother is the target of the warrant, then the detectives are left with the responsibility of taking care of the child until child services arrive to pick them up. The detective who wrote the warrant is responsible for the scene and has say on what to do with the persons secured during the warrant; although, the supervisor can overrule the detective if necessary.

For most of the detectives, the search process is long and tedious. They know that it could take a while before they find the contraband. The search also ties up the personnel involved in the search warrant for several hours. This means the detectives and multiple patrol officers may not be available for other enforcement activities.

The first aspect of the search is the use of canines. Canines play a vital role in the searching of locations, as they orient the detectives to where contraband may be located. The detectives always have a canine officer ready to conduct a search on the warrant. Detectives attempt to use the same canine officers; especially those they believe are

reliable. If they are unable to get the canine officer they want, whoever is working will show-up. Detectives regularly emphasize that a canine is only as good as the handler, one supervisor explained:

> Dog quality matters. The dog is only as good as the handler. When we get a shitty dog, we have to search everywhere. If it's a good dog, then we will largely focus on the areas he hit. This dog is shitty, it doesn't want to get drugs, and it wants to bite.

The detectives always attempt to get the reliable dogs, knowing that their job will be much harder if they have an unreliable dog. Many of the canines in the department are dual purpose, used for searching for narcotics and for capturing fleeing suspects by biting them. The detectives attempt to always call the single-purpose dogs, those only used for drugs, but they are not always available.

When the canine officer arrives, all of the detectives exit the residence, except the primary detective. The canine officer will notify the resident that they are conducting a search and ask the resident whether or not there is anything in the house that will hurt the dog. The canine officer, canine, and detective will then conduct a thorough search of the house. Anywhere the dog indicates, the detective will note. The canine search takes anywhere between 30 to 45 minutes depending on the size and cleanliness of the house. As a result, the rest of the detectives involved in the warrant are left to wait outside.

> SWAT hit the door at 5:22 p.m., and by 5:32 p.m. they had cleared both locations and were clear of the scene. The plain-clothes detectives were working the surrounding area writing citations to the people they swept up outside. The detectives in charge of the warrant are waiting for the canines to arrive and conduct the search. The canines entered the building at 6:10 p.m. and were clear at 6:37 p.m. The detectives all sat outside, sharing stories about the entry and securing of the residents. (Observation from Fieldnotes)

The detectives have considerable downtime at this point of the warrant. The detectives are coming off an adrenaline high from making entry and securing the location. If any of

the detectives landed hard tackles on the residents, or if the entry went bad (provided no law enforcement personnel were injured) the detectives will joke about the events. After a few minutes, the detectives will begin to check sports scores, play games on their phones, or discuss the latest political attacks on policing.

The detectives generally do not use the downtime to talk with the occupants of the residence. Though, the behavior of the resident will determine, in-part, how the detectives search the location. Residents who yell or are disrespectful will have their house turned upside down, with their possessions carelessly thrown around as the detectives look for drugs. Further, the cleanliness of the location is an issue for the detectives. Many of the locations the detectives conduct warrants on are compared to dumpsters, with trash and clothes thrown throughout the house, and food left out in the kitchen. "If the owner doesn't have respect to keep their place clean, why should we treat their property with respect." The weather also plays a role in how the detectives search the house. When the canine searches the house, all fans and air conditioning (when present) are turned off, increasing the temperature inside. The detectives then have to enter the hot residence to search. When it is hot they are more likely to toss the house as quick as possible to get out of the heat.

When the canine is finished searching the residence, the detectives are free to enter. One detective is assigned the responsibility of logging all the evidence that is seized, another detective is tasked with taking pictures of where evidence was found, and another detective is assigned the task of watching over the hand-cuffed occupants. The remaining detectives put gloves on and begin searching the location. The lead detective tells the other detectives where the dog indicated, and that is where the detectives begin.

Otherwise, detectives begin to search anywhere in the house where drugs or guns could be.

The detectives are thorough in their search. They search closets, turning coat and jeans pockets inside out. They search the dressers, dumping the clothes out on the bed. They search the shoe boxes, and under the bed. They check in the couch, and will look for ripped furniture suspecting that drugs may be hidden. The detectives' search is thorough, although if they find a large amount of contraband in a particular place, their search will wind down quickly. The expectation being that if someone has a large amount of contraband in one place, it is doubtful they have more hidden in the crevices of the location.

The detectives never toss the rooms the residents are in for the purpose of keeping them calm. The detectives keep the occupants separated from the actions of the detectives largely so the occupant cannot observe what is going on. This gives the detectives two advantages. One it keeps the occupant on edge as to whether or not the detectives are going to find the contraband. Two it allows the detectives to rummage through the house without the occupant getting upset, especially when the detectives are throwing the belongings around and turning the property upside-down. There is always the possibility the detectives will want to turn the occupant into an informant, therefore, they want to ensure the occupant remains calm and is willing to speak. If the resident sees the detectives trashing the house, they are less likely to talk. Detectives also do not want to upset the occupant, because they do not want to listen to the "street theater," a term used to reference the drama that unfolds in and around a search warrant.

Detectives have two distinct approaches to how they conduct a search of a house. If the occupant is cooperative and the location is relatively clean the detectives will ensure that their search is orderly. The detectives will be thorough, but rather than tossing clothes and drawers across the room, they will put the clothes back in the drawer and stack them, or occasionally place them back in the dresser. When the resident is causing problems the detectives will dump the clothes, toss the drawer across the room and move on to the next area to search.

> The occupant of the home began yelling at the detectives as soon as they made entry. Once the house was cleared, the detectives brought the occupant and her two children out of the house and sat them down in the porch. The mother continued to shout at the detectives, saying 'I haven't done nothing, you have no need to be here.' The canine officer and lead detective enter the house and begin to search. The introduction of the canine sets the woman off further, as she does not want them going through the house. The woman continues to shout, and the detectives standing outside grow frustrated and tell her to shut up, which further escalates the situation. The detectives and woman go back and forth on whether or not the detectives deserve to be there. The woman's mom and dad arrive at the scene after a few minutes and the detectives allow them to take the kids. The mother is still shouting, asking her parents to call her lawyer. Soon after, the lead detective opens the front door and signals that they have found drugs, and then goes back inside. One detective asks, 'I thought you'd said nothing was in there. It's a shame you're selling in front of your kids.' The detective continues to scold the woman as she continues to get angrier. Finally, the supervisor is tired of hearing the bickering and puts the woman in the backseat of a patrol officer's car and tells his detective to stop aggravating the situation. When the canine is finished and the detectives prepare to enter the house a detective mumbles 'fuck this bitch, I'm gonna destroy her house.' (Observation from Fieldnotes)

When residents of the location aggravate the detectives, for whatever reason, the detectives make it a point to wreck the inside of the location. It is commonplace for detectives to ask each other what "type" of search they will conduct inside, whether they will be cautious with the occupant's property or treat the property like trash. Detectives will discuss what type of search they are doing before they begin commenting "we going

to be nice, or toss it?" The search approach is not a matter of speed or efficiency; rather it is a matter of punishment.

The search of the residence takes at least an hour and can often extend to three hours depending on the size of the location, and what evidence the detectives seek. The detectives always attempt to be thorough in search the house, as they want to make sure they seize all evidence. Detectives tell stories of conducting a search on a house only to find out from their informant that they missed a large sum of cash of or cache of weapons. The search is often slowed while detectives determine what to do with the occupants of the location, what property they should seize, and whether or the outcomes of the search have reached a satisfactory level. The following chapter discusses the seizure process the detectives go through, the decisions to arrest or flip the informant for information, and how detectives view the outcomes of warrants.

Summary

Chapter 7 began by discussing how the detectives make entry in to the residences. When making entry detectives always take the battering ram and the pick with them, and often include a ballistic shield. The detectives use the ram and pick to make a dynamic entry in the location by breaking the door open. As the detectives hit the door for the first time, they begin to announce their presence by shouting "POLICE, SEARCH WARRANT;" detectives generally get into the location within the first two or three strikes. The SWAT team follows a similar approach to making entry, but the SWAT team makes entry in two different locations. One location is the primary entry and the second location is used as a secondary entry (if needed) and serves as a distraction. The SWAT team will also break windows and toss flash-bang grenades to increase the distraction and

provide them opportunity to enter the location. When the entry is effected, the detectives or SWAT team moves through the location. The detectives clear each room and any person in the location they put on the ground and secure them. The detectives wait to search basements or second floors until there are enough people available to safely clear. When the location is cleared and secured, the detectives will bring any occupants outside. The entry in to the location and the securing of the structure takes less than five minutes. When the SWAT team is involved their role in the warrant is finished, and they leave the location. The detectives, however, are left to begin the search of the property. The detectives rely heavily on the canine unit to search the location. When the location is secure the canine handler, canine, and lead detective will conduct a search first noting where the canine hit on contraband, a process which typically takes 30 minutes or more. Once the canine is finished, the other detectives will move in to the location and begin a search. The search for narcotics and guns allows the detectives to search anywhere in the location. The detectives conduct two types of searches. First, if the occupant of the location is being disrespectful or if the detectives are in a bad mood they will search aggressively and will throw the occupant's possessions without concern. This is in contrast to the second type of search, where the detectives are still thorough, but will take caution not to break property.

CHAPTER VIII

SEIZURES AND OUCOMES

The purpose of the warrant is to find the contraband indicated in the search warrant. While searching the location the detectives are looking for any evidence of criminal activity. The detectives are required to follow a particular process for seizing evidence. The broad inclusion of items in the affidavit allow detectives in these raids to search everywhere and seize what they can.

As the detectives find contraband, they shout across the house for the camera to document the location of the evidence seized. The detective in possession of the camera comes running, and everyone starts to wonder what was found. The detectives take a picture of the evidence and then take it to the detective writing the log. The detective writing the log then writes a description of the seized item, where the item was found, and which detective found the contraband.

The detectives seize anything and everything that fits their description included in the search warrant affidavit. The detectives will seize illegal narcotics—marijuana, cocaine, crack, heroin—as well as prescription pills that are not packaged or where the package is damaged. Detectives will also seize guns, clips, and any ammunition found. Guns are cleared and the serial numbers are run through NCIC to determine if they were stolen. If illegal drugs or weapons are found, detectives will then be able to justify

seizing any cash that is found in the residence. Cash is taken to the log and was counted by two detectives to verify the amount; however, changes in policy now only require the detectives to place the cash in an evidence bag and seal it. The money will then be weighed at a later point in time. Detectives also look for mail that contains the residents name to provide evidence that the target lives at the location. When the target does not live at the location, for instance, if the target lives with a girlfriend, the detectives have to make sure the target admits the drugs are his, otherwise it is the girlfriend that is responsible. On several occasions, the detectives tell the target that "his girl is going to jail, if you won't say they're yours. You going to do that to your girl? That's cold man." The detectives play the occupants off each other in an attempt to secure the charges on the target of the warrant. If the occupants refuse to admit to criminal activity the detective will take both the occupants to jail and let the courts determine who is guilty. Thus, the detectives are not as interested in determining factual guilt, as they are in ensuring they produce outcomes (i.e., arrests and seizures).

The detectives also must determine whether or not to seize any vehicles. There are certain factors the detectives use to determine if the vehicle is worthwhile. The detectives know the city rarely will seize a vehicle that money is still owned on the loan. There are a few exceptions, for instance, when the vehicle is worth a lot of money and the amount on 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.

Once the house is searched and all the seizures are made, the detectives must then determine what to do with the occupants of the residence. The detectives will make their decisions based on the amount of contraband found, which dictates what charges can be placed. Also, detectives will determine if the occupant can provide informant on other persons. Generally, if a limited amount of drugs are found, the detectives will make an attempt to go for the bigger fish and find out from who the occupants buys his/her drugs.

The search warrants are often the stopping point of the investigation, but the option to provide information is always on the table. If the target of the warrant is known to associate with other individuals involved in criminal activity, the detectives are more likely to push the target to provide information. The detectives will attempt to determine the suspect's relationships by looking at photos while searching through the house. The detectives have been able to flip the information at a house quickly and serve additional warrants during their shift. It was not uncommon for detectives to serve two warrants in a single night, with the second warrant coming from information they receive in the first raid. These events go well into the night, which wears on the detectives, but also provides several hours of overtime to pad their paychecks.

The seizure process is a rather mundane affair for the detectives. Their excitement is high at first, but they want to find the evidence quickly to avoid a long search. The ability to locate and seize items is what makes the warrant worthwhile for the detectives. The outcomes of the warrant are what make the entire process worthwhile for the detectives. The outcomes of warrants can be split into three categories: the big bust, the average warrant, and the dry warrant. Each of these categories provides different amounts of seizures.

To understand the categories, it is beneficial to begin with what a typical outcome of a search warrant entails. A typical warrant entails seizing what was intended to be found in the location. This generally involves some combination of finding enough drugs to charge the individual with trafficking, finding drugs along with a gun, securing a gun from a convicted felon, and seizing small amounts of money. The detectives express large variation in what constitutes a typical warrant. As detectives note,

> We got a bunch of pills and a gun. It's good enough. Nothing great, but it works. We are fine with it. Nothing great but it works.
>
> We got a gun and some pdp [drug paraphernalia]. Also took the cameras. Cameras are part of the drug culture, so we always take them. It's about what we expected to find, so we'll take it.

Detectives are satisfied if they are able to seize enough goods to charge the target and take him or her to jail, they are largely satisfied. There are instances where finding small amounts of drugs are sufficient to satisfy the detective's efforts.

> The detectives are going through the home, not searching as thoroughly as normal. The target of the warrant has a long history of drug trafficking, and SWAT was used to make entry. The canine was run through the location, and now seven detectives are rummaging through the house. One detective indicated, 'we don't have to find much, he is on hip [home incarceration] so if we find anything we can send him back. He shouldn't be out anyways, so we'll do the court's job for them.' The detectives have only found a couple of ripped baggies that appear to contain residue, but they charge him with trafficking in cocaine regardless. The lead detective indicated 'the charges won't likely stick, but might as well try it. We know he was selling, because our CI bought from him, but we don't want to burn the CI, so it likely will get amended down.' (Observation from Fieldnotes)

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. One detective suggested, 'sometimes it's ok to not find much, if you find even a small

amount of drugs, you can seize his money and fuck with him a little bit." Money is not always sufficient though, it is difficult to seize the money outright if there are not a lot of drugs found. Seizing money is contingent on the detectives proving the money is tied to the sale of drugs. When the detectives fail to find enough drugs to charge the occupant with trafficking, the only hope to seize the money is if one seizes the money in exchange for a lesser charge.

> 9:30 p.m. Half the guys sitting outside. Other detectives are still inside wrapping up. HIP came to pick him up. At 9:30 p.m. everything is done and the detectives are getting ready to leave. The supervisor tells everyone to roll out, and we are done working for the night. A couple of the detectives are going to drive by a house they have been looking at, but are not going to get out on anyone or make traffic stops. The supervisor heads back to the station to complete the paperwork for the warrant. The supervisor was not pleased with outcome, "1,200 dollars ain't shit would rather have good charges, probably won't get to keep money because they won't pursue charges. But anytime no one gets hurt or shot is a good warrant, on either side." (Observation from Fieldnotes)

The warrant also reveals that ensuring all the detectives come out safe is also considered a success of every warrant. The safety also expands to the resident, as the supervisors do not want to have to write an Administrative Incident Report (A.I.R.) or go to the hospital to sit on an arrested subject that they injured.

Detectives are willing to execute several warrants that only result in average outcomes because it increases the probabilities of the big bust. Big busts are typified by seizing a large quantity of drugs, money, and/or guns. In conjunction with the large seizure, the detectives also will get quality arrests and charges placed on the people who were arrested. The big bust is unique in that larger than typical seizures are made. The big bust also serves an important role in the culture of the units. When the units secure a big bust, there is a greater amount of celebration and ceremony involved. For instance, if the detectives are able to seize ten or more guns they are likely to get a group picture with the

seizures to commemorate the moment. The same goes for large seizures of drugs or money. The big busts become the center of the stories they tell other detectives, reminisce with each other, and tell a certain researcher that he missed out on a big score. The big bust becomes the symbol as to why raids should be conducted early and often.

> They went to serve a warrant just down the road from the station. They all loaded up in the pick-up with most of the guys in the bed. They served the warrant at 10:30. The lead detectives waited to serve the warrant until that late to get overtime; it is a common approach of the units to increase their pay. As long as they get a gun they tend to justify their actions; however, no gun often coincides with frustration by the supervisor. The warrant produced six guns, a half-pound of meth [methamphetamine], and several thousand dollars cash. (Observation from Fieldnotes)

The big busts are the stories told over and over again. When detectives can seize multiple guns, or thousands of dollars in cash, the entire department hears about it. The detectives get recognized for their work by supervisors, a rarity in most detectives' eyes. When detectives see each other they always ask if they have "gotten into anything good lately." This is a chance to compare notes and see what is going on. When a big bust occurs the news travels fast. Each morning the department sends out a significant activity report, and when a unit achieves a large score the detectives do not miss an opportunity to note what they seized. Big busts serve an important reference point for conducting future warrants, as they justify the existence of the units.

The worst outcomes for the detectives are the dry warrants. Dry warrants occur when the detectives are unable to press any charges on the target of the warrant because they did not find any illicit contraband. There were multiple dry warrants that occurred during the observation period. Dry warrants could occur on any warrant due to bad information or the target selling his/her supply. Even when detectives conduct controlled buys and serve a warrant two or three hours later, they run the risk of having a dry

warrant. When detectives have good reason or information that suggests a warrant may be dry, they will refrain from serving the warrant.

> Having a "dry" warrant is a source of ribbing amongst the detectives. It is acknowledged that all detectives have dry warrants, but too many dry warrants and your credibility as a good detective dissipates. A supervisor tells a Detective it's his decision on whether they execute the search warrant tonight. But the detective needs to make the decision soon because the SWAT team is waiting around to assist in the warrant. The detectives are short on manpower, and since SWAT was previously out for a call, they agreed to help execute the warrant. The detective wavers on his decision for another ten minutes. The hesitation is related to the target of the warrant not being home and the detective does not want to risk serving the warrant and no drugs are found. Two detectives drive to the home and see that the lights are on, but think it's just the girlfriend and child. The detective ends up calling the warrant off, rather than risk using SWAT for no reason. (Observation from Fieldnotes)

There are professional and practical issues associated with conducting a "dry warrant." The detective above did not want to execute the warrant and come up empty. There was a sense of concern over being wrong and wasting everyone's time for no reason. If the target was location, the warrant would have likely gone through, but there was reason to believe the target had the drugs on his person and therefore a warrant of the location would serve no purpose.

Dry warrants increase the frustration of executing the warrants, because the effort put forth to plan and execute the warrant was wasted; however, detectives also consider warrants where little contraband is found to be a letdown. Detectives know that conducting too many warrants with little outcomes; will likely limit their freedom to operate. When detectives begin to sense that a warrant is going to be dry, or that they have not found the evidence they were seeking, they begin to get frustrated.

> Its 3:55 a.m., the detectives have still not found the gun that is supposed to be in the house. The detectives have spent two hours searching the home, turning it over from top to bottom. A detective has been talking to the primary target for the past hour trying to get him to turn over the gun, but he refuses to acknowledge

> there is a gun in the home. The detective attempts to leverage the man's family, 'you're making your family sit out here, we don't want them, we want the gun. Tell us the gun and your family and kids can go back to sleep.' A couple of detectives are growing restless, wanting to call child services and take the Uncle to jail and call it a night. Two detectives are still in the house, while seven are standing outside waiting for it all to end. A shout of celebration comes from inside the house, and a detective exits the front door pumping his fist in the air. The detectives do no react, believing he is 'jacking around', but then the detective pulls a small caliber pistol from behind his back. The moods of the detectives instantly change to celebration, they found what they came from and now the warrant is a success. A detective told the target, 'you missed your chance to make a deal.' A supervisor then shouts 'let's wrap it up, and get out of here quick.' The supervisor starts asking which of the occupants are going to jail and which detectives are taking them. (Observation from Fieldnotes)

When the warrant is dry the detectives often provide justifications for why. A common justification is that the dealer just ran out of drugs and they just missed the big score, they knew he was dealing because they did the buy earlier, but now he has nothing. When asked whether or not this meant he did no deal as much as the confidential informant claimed, the detectives refuted that argument. Their focus at the end of the warrant is to make sure they come away with an arrest, and especially seize contraband. The detectives will also state that the contraband is likely present in the location, but they just cannot find it, this occurs when the canine used for the search was poor. Finally, the detectives will blame the presence of a patrol officer or researcher as being bad luck for warrants. It should be noted, that the reason for a poor warrant is not blamed on the investigative processes used by the detectives or their skills. The overwhelming majority of the investigations of search warrants occurred within 48 hours of the start of the investigation—due to traffic stop or confidential informant—and when the detectives left the targeted location. The quick pace of the warrant is a reflection on the desire to produce statistics, clear complaints, and show activity, rather than attempts to control crime or build prosecutions. The dry warrant is not discussed among the detectives,

unless in jest of the lead detective on the case. All the detectives recognize that you will end up with a dry warrant at some point, but a detective suggested only the "skilled detectives will get a big bust."

When detectives toss a house top-to-bottom, they always want to leave the property quickly. They want to avoid any possibility of confrontation when the family goes back in to the location and sees their furniture flipped over and their clothes pulled out of the drawers. After the search is complete the detectives are required to secure the property the best they can. Often this is challenging since they broke down the front door including the locking mechanism. If the occupant of the house is going to jail, the detectives will ask if they want to turn it over to a family member to secure, and will allow the designated family member to enter the residence after they are clear of the location. Detectives also want to leave the location quickly, due to the often late hour that 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 means the detectives will lose sleep time the next day. At 4:00 a.m. the detectives were two hours past when their shift ended and wanted to get home. The detectives feel a sense of accomplishment from their persistence, and that their investigation and time was worthwhile. In the end the detectives turned 6 ounces of crack into a seizure of a gun and an arrest for a convicted felon in possession of a handgun.

When leaving the house, the detectives split responsibility of who takes the resident to jail, who will take the seized evidence to the property room. Search warrants regularly are the last official police act of their shift. As a result, the detectives are looking to get home, especially if it is in the early morning hours. The sergeants will

make sure necessary paperwork is filed, but otherwise they will wait for their next shift to secure evidence. While the detectives determine who goes to jail, they will also split up the responsibility of taking the seizures to the property room, going to jail, taking guns to crime scene for processing, and taking any warrants to NCIC. The supervisors must also fill out paperwork, especially if any officers or occupants were harmed in the house. Since the detectives always use a ram to make entry in to the residence, the supervisors have to fill out administrative incident reviews, which provide space for supervisors to indicate what damage was done to the location and why.

When detectives have left the property and all paperwork has been filled out, the warrant process begins again. Sometimes the detectives use information from a previous warrant to pursue a new investigation. In other instances detectives begin to focus on an open investigation that they have yet to close. If detectives have no leads on drugs or guns, they will begin calling informants and conducting proactive patrols to begin new investigations.

Summary

Chapter 8 reveals that detectives seize any products that are illegal or indicate criminal activity. If the detectives discover illegal narcotics, they will also make sure to seize any U.S. currency, as well as any weapons. The detectives will also attempt to seize the vehicle if they have evidence that the vehicle was used in the stated criminal activity. If the target of the warrant is a convicted felon, the detectives will be sure to remove any firearms, ammunition, and accessories. Generally detectives will remove weapons from the building and force the occupant to get them back in court. Detectives distinguished between three types of outcomes during the research. Detectives reference the “normal”

warrant where they would get a small amount of narcotics, some currency, and a weapon, or some combination of the three. The normal warrant ensures that the investigation was worth the detectives' time, and that they get quality arrests out of their effort. On the whole, detectives were happier about warrants when they were able to seize firearms, as the firearm had become a key organizational indicator of success. In contrast to the normal warrant, detectives always wanted to avoid the dry warrant. A dry warrant occurred when detectives failed to find any evidence of criminal activity and as a result were unable to put any charges on the occupants of the location. The dry warrant was an embarrassment to the detective, and the unit felt like they wasted their time. The final outcome detectives discussed was the big bust. The big bust was characterized by seizing larger than normal amounts of drugs, seizing multiple firearms, seizing a large amount of cash, seizing vehicles, and/or arresting a high-profile offender on quality charges. The detectives' outcomes were largely focused on quantity. As such, if the detectives were able to seize a large amount of money, even with a small amount of drugs, they were ecstatic. Regardless of the level of outcomes reached by the detectives, they were always looking for information into their next bust and typically spent time talking to the occupant in hopes of flipping them for information.

CHAPTER IX

CONSTRUCTING RAIDS: CONTROL WORK AND THE LAW

Summary

Little research has concerned itself with the extent or use of search warrant raids by police departments (Chambliss, 1999; Manning, 1980; Skolnick, 1994). While search warrants represent a legal concern for detectives, there is still a need to understand how detectives understand the use of search warrants and how search warrants are executed. In particular, research is needed to understand the factors that influence the use of search warrant raids, and the decisions the detectives make during this process. This study explored how two plainclothes detective units in a large metropolitan police department use search warrants. The study focused on how police construct the need for and use of search warrants. This study examined 73 search warrant raids over a 21 month time period. The findings indicate that the detectives use the same basic procedures to assess the conditions under which search warrants are needed; the strategies used to obtain search warrants; the stages of warrant preparation and execution; and finally how the detectives search the residences and seize evidence.

In Chapter 4 the analysis revealed the reasons why detectives execute search warrants, mainly as a means to seize large amounts of contraband. The detectives suggest that making large seizures is beneficial because it removes illegal narcotics and weapons

from the streets, puts criminal in jail, meets the demands of their supervisors, and acts as a deterrent for other criminals. Chapter 4 also indicated that search warrants arise from four sources; proactive patrol, confidential informants, citizen complaints, and other police officers. For each source, detectives must judge the merit of the information they receive and attempt to acquire additional information through surveillance or acquiring confidential informants. When detectives determine the information is reliable, they will begin to focus on building probable cause and securing the search warrant. Next, Chapter 5 found that detectives secure probable cause through a combination of trash pulls, conducting buys with confidential informants, and further proactive activities. Detectives noted that probable cause is an easily achievable legal standard. Once probable cause is obtained, detectives quickly move write the search warrant affidavit. Detectives make use of warrant templates and prior warrants to write their current warrant, ensuring that all information is accurate and increasing the likelihood a judge will approve the warrant. When detectives have the warrant affidavit written, the detectives note few issues with getting a judge to sign off on the warrant. Detectives noted the most difficult task associated with getting a judge to sign was the judge's prerogative to determine the location of their meeting which, many times mean driving to wherever the judge was located.

Chapter 6 revealed the processes detectives use to prepare for the search warrant. Detectives generally want to have a minimum of ten detectives present to execute a search warrant to ensure they can control the scene. Detectives are reluctant to serve warrants with officers who have little experience or are not known to the detectives. The findings indicate that the SWAT team is used to serve warrants when the risks associated

with a warrant are calculated to relatively high. The risks are determined using a search warrant matrix. When the number of personnel is determined, detectives may then conduct pre-warrant execution surveillance. Pre-warrant execution surveillance occurs when detectives watch the target location, providing up-to-date information on activity at the target location. The information provided allows detectives to develop a more informed and safer plan for the warrant execution. However, detectives note they often forgo pre-warrant execution surveillance due to a shortage of people or simply due to a lack of initiative on their part. Finally, Chapter 6 described how and what is included in the warrant execution briefing for the detectives involved. The briefing provides background information to all personnel involved in executing the warrant, such as the description of the house, presence of weapons, and the warrant execution assignments for all personnel. The briefing also describes how the warrant will be executed, including the approach and where detectives will make entry. When the briefing is finished detectives drive to the location to make entry. Chapter 7 notes that detectives always use battering rams and picks to make entry to a location, hitting the door with the ram to break through while yelling POLICE, SEARCH WARRANT. Once entry into the location is completed, the detectives then clear the location room-by-room. When the detectives confront an occupant they quickly determine the level of threat, and will regularly tackle the occupant, place him/her in handcuffs, and then continue on clearing the location. Once the house is secure the residence is cleared of all detectives and occupants and a drug-canine then searches the location for contraband followed by a thorough search by the detectives to seize any contraband.

Chapter 8 discussed the measures of success detectives use when evaluating their search warrants. The detectives under study are focused on seizing illegal drugs and guns, and any other contraband or currency associated with suspected criminal activity. The detectives distinguished between three types of outcomes: the normal warrant, the big bust, and the dry warrant. The three outcomes are defined by the amount of evidence seized, with the big bust characterized by the seizure of large amounts of drugs, currency, or weapons, the dry warrant typified by finding no evidence of crime, and the normal warrant representing the "usual." Regardless of the type of outcomes, detectives attempted to flip the target of the warrant for information, and when the detectives were finished with the location, their goal was to complete their administrative tasks and move on to the next event, whether it was a second warrant or going home.

The analysis conducted in Chapters 4 through 8 reveals the decision-points and explanations for why the search warrant raid is a preferred enforcement method by the detectives in this study. The analysis provides insight into each stage of the process, and how the stages connect to each other. What is missing from the analysis is an understanding of the warrant process as a whole, and how the detective's understanding of the warrant process develops a socially constructed reality of the search warrant raid as being necessary, safe, and legally justified. These social constructions are salient in two aspects. First, they explain why the raid is the enforcement action of choice in investigating narcotic and gun laws. Second, the constructions illuminate how the detectives use the law to accomplish their goals and reinforced the usefulness of warrants.

Why use Raids

Berger and Luckmann (1966) view all social phenomena as typifications that appear as independent and objective actions, while simultaneously being created from subjective experiences. These typifications arise from externalization, objectification, and internalization (Berger & Luckmann, 1966). The research conducted here suggests the social construction of reality lens can be used to understand the procedures and conditions of police raids. Furthermore, the social construction perspective can attenuate how raids are internalized as a necessary enforcement tool for the detectives. The following paragraphs describe how raids and the processes used to conduct raids are normalized by detectives.

It needs to be emphasized that the search warrant process described in this study depicts a particular type of police action: the raid. Securing and serving search warrants are a common tool for law enforcement. For instance, police serve search warrants to banks when looking for evidence of frauds, they serve secure and serve search warrants on locations looking for evidence of a robbery, police secure and serve search warrants for a person's DNA. In the course of the current research, the detectives' primary objectives were to secure and serve search warrants for criminal activity related to narcotics and firearms. In part, the detectives follow a pattern similarly to the process generally used to secure and serve search warrants for a variety of purposes. The detectives must meet legal standards for obtaining a search warrant and then must follow certain procedures to execute the warrant and seize the targeted evidence. When detectives discuss the importance of conducting warrants, it is acknowledged that, "we have to get in homes, because that's where the evidence is." What separate the warrants

obtained and executed warrants observed in this study, from other warrants, are the techniques used to execute the warrant; namely, the use of the raid.

Police raids are well documented in the literature (Balko, 2006; Chambliss, 1999 Goffman, 2013; Kraska & Kappeler, 1997; Kraska, 2007; Manning, 1980; Sherman, 1990; Skolnick, 1994). Kraska (2007: 7) notes that the dynamic entry of raids "creates conditions that place persons and police in an extremely volatile position necessitating extraordinary measures." The raid is characterized by detectives using the element of surprise, violently making entry into a residence, securing the occupants, and then tossing the entire location for evidence of criminal activity (Kraska, 2007). The entry methods employed by the detectives underpins the constructions of each stage of the warrant process and is both iterative and autopoietic. The events in any stage of the warrant inform later decisions, and decisions in the later stages of the warrant process inform prior stages as well as future events. The warrant process is self-reproducing. The actions of a single warrant are not independent or isolated, rather connected to prior warrants and the storytelling of memorable warrants (Waddington, 1999). The detectives emphasize the importance of safety and recovering evidence through constructions that privilege the raid as being the only means to achieve their ends. The creativity of securing evidence through other means is no longer a concern, and rather seen as time-consuming and burdensome. Even the use of SWAT teams becomes burdensome to the detectives, as it increases the time, and there is variation among the detectives in the importance of following policies related to contacting SWAT.\

Throughout the warrant process, the information received in each stage is linked together, connections are established between each stage and inferences are drawn about

their meaning. This process exposes how typifications are formed. For instance, when a detective receives a tip from a confidential informant (externalization), the detective is validating that information throughout the rest of the warrant process. The detective uses the information to conduct a buy, to justify the need for a warrant, and to help plan the warrant (objectification). Further, when the raid is executed and criminal activity is found, the detective will look back on the informant's information to validate future interactions with the informant, but also justify the detective's own skill (internalization). In this process, the detective is not aware of the constructions and how these notions are altering the path. Instead, the detectives rely on typifications, or narratives to provide guidance in how a raid proceeded and how future raids should proceed. The typifications allow the detectives to not simply retell what occurred; rather they are producing an edited version of the events to fit within existing typifications. Through the editing of events, the detective overlooks the misinformation provided along the way or the accuracy of the information given; instead, the detective uses the outcomes of the case to justify the actions taken. Put simply, since the informant's initial information led to a successful outcome, the use of future informants is reinforced and remains typified. In instances where the information was inaccurate or a lie, the detectives will fault the informant as being unreliable, and refrain from reflecting on the detective's actions. The processes used to acquire information and how detectives use that information is not to be blamed for any negative outcomes (i.e., dry warrants).

Another example of the detectives using narratives to justify their actions is the need to knock-down the door. The detectives make use of several pieces of information to construct this narrative, and the dynamic entry process is what defines the raid.

Detectives begin the warrant process with incomplete information on what criminal activity is occurring in the area. For this reason, detectives conduct proactive patrols attempting to find evidence in vehicles or to generate information on particular locations. The information is gathered from sources (i.e., criminals) who the detectives do not trust and often believe should have no rights. Despite these beliefs, detectives recognize the role of criminals in securing evidence for a search warrant and pointing the detectives in the right direction. The detectives use this information to conduct a buy or trash pull, and attempt to secure the necessary probable cause to get the warrant signed. When detectives become aware of information their goal is to serve the warrant quickly before the 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 the warrant is signed the detectives take this as indication their investigation is sufficient, 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. The lack of information generates uncertainty for the detectives as to what to expect during the entry and securing of the location. The combination of available information,

the detectives' perception of danger, and shared narratives of past warrants leads to the reliance on dynamic entry. The dynamic entry allows the detectives to be the aggressor, 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.

Without detailed information on the events of the location, the detectives resort to past experiences to fill in the gaps. These past events largely focus on the extreme events; rather, than what is ahead of them (Manning, 1978; Rubenstein, 1973). The two primary explanations for why a dynamic entry is needed are for safety and to reduce the possibility that evidence may be destroyed. The construction of safety is a key issue for detectives, as noted in the idea "in every fight a cop is in, there is always at least one gun. The cop's gun. We always have to be aware of danger." Furthermore, the detectives all tell stories of individuals attempting to flush drugs down the toilet or succeeding. The detectives have minimal information on both the level of risk and the likelihood of drugs being flushed. Rather than develop more information, the detectives have developed techniques to conduct entry quickly and violently to secure the evidence and to minimize risk to the detectives. The concern for safety exists in all facets of the warrant. The

emphasis on the raid and the use of force situates the detectives in a position to interpret warrants and any movement by civilians as dangerous. As Blumer (1969) notes, there are three components to an interaction involving orders: what the persons at the end of the directive is supposed to do, what the person giving the directive intends to do, and the interpretation of the joint action. When detectives are executing a warrant, the focus on what any civilians will do is minimized to threat or non-threat and the joint action unequivocally results in force. In one search warrant, the detectives were responsible for securing everyone sitting on the porch at the target location and SWAT make entry. When SWAT began making entry on the front door, the people on the porch panicked from the banging sound and the SWAT team yelling. Meanwhile, the detectives begin to secure civilians running from the porch,

> The job of the detectives is then to make sure no one gets away, because they do not know who is committing a crime or who is running out of fear. The detectives tackle several people on the ground, including two women and a fourteen year old kid. The father of the fourteen year-old starts yelling that he is just a kid and is increasingly getting upset. The detectives quickly have everyone secured and SWAT clears the home. The detectives begin to sit-up their secured suspects and move them to the porch. The father continues to tell the police there is no reason to throw everyone on the ground, 'there is no reason to use that type of force on a kid.' The detectives engage the father telling him 'we don't know who has a gun and who doesn't. We come up and you all start running.' A second detective chimes in, 'I'll handcuff an 8-year old, I'll handcuff anyone. As soon as we figure out what's going on we'll let him go. Until that point you need to calm down.' (Observation from Fieldnotes)

The detectives interpreted the individuals fleeing from the location as an attempt to escape. In these situations the detectives have past experiences of people running from them and that is their primary thoughts when someone flees. The detectives do not consider other possibilities, such as the residents being scared when they hear a loud bang in the back of the location and then ten detectives dressed in black jump out from behind

bushes and rush towards them. The detectives are only concerned with their interpretation of events, and as stated by one of the detectives, will result in anyone being tackled and handcuffed first, and will ask questions second. The detective's emphasis on safety for this warrant was further justified when a gun was found in the back bedroom of the property. A detective went so far as to tell the father, "this is why we tackle people, we found a gun, and aren't gonna take the risk someone will use it on us."

The need to use a dynamic raid is hinged on the danger narrative. As Kappeler and Kraska (2013: 2-3) argue, "The 'danger mantra' has been used time and again to stifle critical inquiry into police practices, ranging from the use of excessive force to the dramatic increase in the sheer number and power of the police. The danger narrative has become hegemonic and is likely to persist for many years to come—regardless of its countless refutations." The danger mantra was noted throughout the research, at each stage of the warrant process as justification for how detectives conducted investigations, made entry into locations, and even in the construction of successful outcomes. The detectives use the danger and destruction of evidence mantras to justify the use of raids; while ignoring the role the detectives play in contributing to the risks of danger or the destruction of evidence (Barker, 1999). The notion that the detective's actions are part of the problem or whether dynamic entries are necessary is dismissed outright.

Through the examination of how detectives understand and construct the warrant process, the analysis reveals certain aspects that the detectives do not internalize or objectify. The field note on page 170 provides insight into this process. For instance, the warrant above, like many warrants, resulted from a quick investigation. In the warrant brief, the lead detective indicated that the homeowner owned a gun, but the information

on the firearm stopped there. The only concern for the detectives is that selling drugs is illegal and possessing a firearm when selling drugs is illegal. The presence of a gun increases the tactics the detectives will use as seen above, and their use of force was validated when the gun was found. A gun in a residence always represents danger for the detectives and reinforces safety concerns throughout the process. Thus, the development of typifications, especially in regards to danger and the need for dynamic entry are recreated and reinforced throughout the process. The later stages of a warrant inform the detectives' behavior in earlier stages and vice versa. When evidence of criminal activity is found, the actions taken to discover the criminal activity are objectified and internalized as necessary and sufficient for completing their job expectations. Yet throughout the process information that does not fit within the detectives' worldview is ignored and excluded from the typifications process. For instance, detectives do not consider the concerns of persons' rights or safety to be legitimate and therefore not objectified or internalized as part of the warrant process.

The detectives' typifications are organized in a manner which provides the detectives pattern and sequenced script to justify their actions across each stage of the search warrant process. The typifications are imbued with a trajectory that links immediate actions to future actions, as well as reinforced past actions. The detectives' understanding of the warrant process is reflexively oriented by their enforcement actions, their unit, their organization, and the interactions with civilians. The detectives' construction of search warrants requires making sense of the people, places, objects, and phenomena involved during a constitutive action. The search warrant process is a demonstration of how detectives generate knowledge and fit the pieces together into a

particular worldview to accomplish the goals of enforcing drug and gun laws. How detectives develop typifications in raids provides an example of how detectives, as social actors, shape their present actions on the basis of situational, cultural, and historical event, in the anticipation of future occurrences (Innes, 2002). Detectives hold typifications for how confidential informants should be used, what makes a good traffic stop, what to expect when going through the door, the presence of a dry warrant, among others. These typifications extend outside the boundaries of the detective's own unit or how the detective interacts with and perceives civilians. Detectives also develop typifications within the frameworks of law that reinforces and expands the detectives understanding of search warrants.

Legal Maneuvering

The processes and techniques used for the detectives are not the only source of reinforcing the typifications of police raids. The interactions of the detectives with the legal system also contribute to the typifications used to justify and execute police raids. The use of raids employed by the detectives and the various typifications of the raids, are influenced by the law. The nature of police work, whether making an arrest or developing probable cause always occurs within the context of legal discourse. The legal system is complex, yet detectives recognize its influence on the various stages of search warrants. The legal system both provides detectives with substantive law indicating who can be arrested and for what, while providing procedural guidelines that restrict how the substantive laws are enforced (Hutter, 1997; Innes, 2002; Skolnick, 1994). Perhaps more importantly for detectives, is the law determines what the facts of a case are (Tamanaha, 1997). The law, therefore, requires detectives to situate the investigative practices,

including the unknown, in a language that hides the ambiguities, and instead presents a form of truth. The detectives, in turn, recognize that law does not require absolute truth, but only needs enough information to meet the evidential standards of probable cause. The detectives make extensive use of the law to justify their actions in the warrant. The investigation processes used by the detectives go only so far as to reach minimal thresholds of probable cause. The law also provides tremendous leeway to detectives' authority and experience to define and construct what constitutes criminal activity. The detectives' movement through the stages of the search warrant is indicative of the detectives be more concerned with the outcomes of the case, than a strict adherence to constitutional processes. Similar to Skolnick's (1994) findings fifty years ago, detectives are more concerned with enforcing substantive law, while leaving the procedural elements for the organization and courts to deal with.

The detectives are not free to bypass all legal procedures, such as what evidence is required. But they are also not concerned with these levels; they are more than willing to leverage their authority and word over that of a criminal in court. This is especially true if they discover evidence of the crime, everything else becomes a script to ensure the lawyers and judge perceives the law was followed. Through the warrant process, the detectives also manipulate procedural protections. The process is only relevant to getting 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.

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 detective's entry approach stretches the procedural guidelines of knock-and-announce laws. In *United States v. Banks* (540 U.S. 31, [2003]), the Court ruled that officers who waited 15 to 20 seconds were within their right to force entry into the location, yet provided exceptions when detectives believed evidence was being destroyed. When detectives are questioned about their knock-and-announce, they justify their actions in the context of the danger mantra, the destruction of evidence, and arguing that their actions constituted a knock-and-announced. The same authority that provides detective justification in getting the warrant signed also provides them with authority to contradict an account if they do not knock-and-announce. The detectives are deviant in the context of the law, yet typified as necessary action by the detectives (Chevigny, 1969; Kappeler, Sluder, & Alpert, 1998)

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."

Despite access to the no-knock exemption, the detectives generally avoid no-knock exemptions because they require additional oversight. A detective explained,

> 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.

The unwillingness to get a no-knock is indicative of detectives being active in self-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 absence of condemnation contributes to the raid being an important and normalized component of law enforcement.

Over the course of the search warrant process detectives develop understandings of which laws are to be followed, and more importantly to what extent any law should be followed. The detectives work the substantive and legal boundaries of the law, both in making decisions on when and what to charge an offender, who becomes an informant, and what procedural boundaries to bend or cross when guilt is perceived. When the detectives cross the procedural boundaries in the field and are rebuked by persons, the detectives have learned that intimidation and authority can cause a citizen to back-down from their accusation. For instance, when detectives conduct illegal searches of persons and are confronted, the detectives will quickly provide a justification, couched in

authority and pseudo-legal justification to ensure the citizen presents a respectful demeanor. The detective will often evoke his experience on the force, and how he is not going to risk losing his job over violating someone's rights. These assertions both reinforce the authority and exhibits the detectives often misunderstanding of the law. For the detectives, the law acts as an organizing principle that can be altered to fit within their enforcement needs, to justify their actions, and to provide an account in recollecting the events.

When writing search warrants detectives use several strategies that ensure the warrant is approved. These strategies include copying and pasting from other warrants and the replication of boilerplate phrases that the courts have approved in the past, are approved in the future. There is nothing inherently wrong with using court-sanctioned language in an affidavit; however, this approach restricts the likelihood of a 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.

The process of law therefore provides a format in which police can provide an account of the incident. The detectives in this process become socio-legal actors, which requires them to translate their actions into appropriate legal contexts. The legal expectations of writing a search warrant does not dictate the detectives' actions, rather,

the detectives use the law to inflect the detectives' interpretations of their instigation, the justifications for the raid, and the need to enforce narcotic- and gun-laws. The construction of the warrant and getting the signature provides legal context to further justify the discovery of criminal activity. Detectives approach writing the warrant with a view to ensure the warrant is signed and provides them with opportunities to search anywhere in the location. The broad strokes included in the warrant allow for high probabilities of detectives justifying their actions. The standards of criminal activity are low, and the detectives paint with broad strokes.

Typifications and Contradictions

As officers make an arrest they interact and communicate their experiences with others. These interactions and communications occur with the arrestee, the officer's colleagues, the officer's organization, and in communication of arrests to broader society. The search warrant process is a form of communication. The communication occurs between detectives, the organization, the law, and society. The detectives have primary control in constructing how the search warrant process is conducted, how information is encoded, and what strategies are deployed. The detectives construct the warrant process into a series of typifications used to generate accounts of events in case the court, society, or the organization questions the process. The detectives approach the warrant process, not for the purpose of determining guilt or innocence, that assumption is already in place. The raids are conducted so detectives can get evidence, which both justifies the unit's purpose and reinforces existing typifications about crime control and the role raids play in law enforcement.

How the detectives come to understand the need for raids develops out of past experiences and socialization, as much as current needs. The persistent use of search warrant raids as an enforcement tool is developed as a necessity, through a tightly constructed narrative. The realities of conducting warrants intercedes the narrative at various points, but also reveals how through the detectives' actions they justify their work through short-investigation periods and the use of informants who are unreliable. The phenomenological experiences of warrant raids further adds to the desire to conduct raids, as the raids separate the detectives from normal patrol in their willingness and freedom to conduct raids and the subsequent notions of real police work.

The detectives ignore narratives that contradict or threaten their typifications of the police raid. Their concerns are securing evidence of criminal activity and validating 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 informants, who are regularly noted to be unreliable, and untrustworthy (Dabney, Tewksbury, & Hunt, 2014). The absence of pre-warrant surveillance also generates risks, by not knowing who is at the location or where the target is located. Suffice to say if the target is sitting on the front porch or detectives are aware there is no one home, there is no need to break the door down. The preference of the detectives is to not ascertain this information and conduct the raid as usual. The speed of the investigation and the absence

of pre-warrant surveillance increase safety concerns for detectives and persons. When detectives have little knowledge about the target, they construct furtive movements by their targets as a threat, and will respond with increased force and subsequently increasing harm to the occupants.

The weaknesses in the information gathering stages are apparent when SWAT is involved in the warrant. When executing high-risk search warrants, SWAT teams allow considerable preparation time to form a strategy that will minimize risk. The SWAT team will also ask far more questions regarding the location and the target. The extended preparation time is related to the fact that SWAT warrants are planned ahead of time, providing the detectives more time to conduct surveillance (if they feel it is necessary) and gather intelligence. Yet the pace of the detective's investigation makes contacting the SWAT team a nuisance, especially if the detectives want to execute the warrant within the timeframe for their shift. Detectives are unwilling to wait for the SWAT team to gather as it would delay the warrant several hours, if not delay the warrant to the next shift. Many detectives believe the door needs to be "hit" as soon as possible, as there is a small window when the evidence will be present. A statement that is unverifiable, unless detectives conduct long-term investigations. The push is to get a conviction and stats over the crime control or deterrent components the detectives claim that warrants create. The processes of high-risk raids are normalized in the units. The detectives are convinced it is 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

solving a problem, relying on violence and force and in the process justifying the need for Bittner (1970: 41) to ask "What are policemen supposed to do?"

The use of raids by detectives are not defined by any single event, rather the raid has been constructed as a necessity through communication. These communications includes discussions about when raids are needed, safety issues associated with raids, the quality of raids, or the excitement that may occur during the raids. As time passes, these categories become objective realities and become institutionalized by the detective, the detective's unit, and the detective's organization. Eventually, these processes begin to appear independent of the people who create them. As the processes continue, the detective continues to legitimate this independent existence of the institutionalized typifications of arrests. Finally, this knowledge is communicated to other members of the organization and society who internalize it and take it for granted as a necessary component of detective work. The consequence of this process is, therefore, that detectives recognize raids as being the sole strategy to execute warrants. This process can be succinctly described by Henry (2006: 137) who notes: "the overall effect of these three ongoing processes [externalization, objectification, and reification] humans lose sight of what they author or create and thereby lose sight of their ability to change the apparent objective reality that stands before them." When detail is provided in warrants about high traffic area and then the corresponding traffic stop it provides an established connection between those two behaviors that justifies future action; however, it fails to acknowledge the reality that many times the detectives are wrong. The detective expertise also provides additional information in the social construction of their expertise.

They discuss the ability of the detectives to execute the warrant and their ability to recognize the drug culture.

Policy Implications

The findings from this study present several policy implications for the units under study, the Bourbonville Police Department, and the local court system. The discussion indicates that the warrant process has become increasingly efficient leading to warrants becoming a routine operation. The replication of material in warrant affidavits, and the quick review by judges, precludes a critical analysis of the content of the warrant. Judges are not giving serious consideration to the validity of the information included in the warrant. Judges should take the time to have detectives elaborate on the investigative process used and the information gained from the warrant to determine if the boilerplate narrative in the warrant is backed by actual investigation. Securing search warrants are commonplace, a vast change from 30 years ago when few detectives secured warrants (Van Duizend, Sutton, & Carter, 1985). The study revealed that current review processes are largely perfunctory. Without oversight detectives will continue to undermine the affidavit process by providing minimal information that neither clearly identifies the stages of the investigation, nor validates its truthfulness. Increased oversight by the courts may result in fewer warrant applications; however, the quality of the warrants will likely increase due to improvements in the investigation process.

In addition to the courts providing greater oversight in to the warrant process, the police department should also increase oversight of the warrant process. The police department also should play a role in evaluating the necessity of warrants, both from a police perspective and through an effectiveness standpoint. The department should

conduct regular reviews of all warrants executed to ensure the detectives are following 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 the warrants with the need for other enforcement activities. Through the observations in this study, the usual search warrant could be split into one of three returns: the big bust (felony arrest, guns, money, and drugs for trafficking), the medium reward (illegal gun, 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 should maintain a record of all information related to a search warrant including the affidavit, search warrant, evidence logs, SWAT matrix, and administrative incident reports in a centralized location.

The department should also review the need for executing search warrants. The detectives noted multiple safety concerns throughout the warrant process. If these safety concerns are factual, the department needs to evaluate whether alternative strategies can be used to enforce drug and gun laws. In particular, to reduce safety concerns the department should ensure longer investigations are conducted and mandate pre-warrant

surveillance is conducted before all raids. Longer investigation period will provide the detective with better understanding of the potential outcomes associated with a raid (i.e., the amount narcotics or weapons located in the location). Furthermore, pre-warrant surveillance will ensure detectives know how many people are at the target location, whether the door is open, and whether there are children present. The findings showed that when the SWAT team is involved in the warrants, oversight of the investigation is more stringent and pre-warrant surveillance is always conducted. Although, it should be noted this is not advocating for greater involvement of the SWAT team. Rather, that increased oversight of the detectives, such as when SWAT is involved, can ensure steps are being taken to ensure the information-gathering stages are thorough. To ensure department oversight is robust, an evaluation of current practices will require the assistance of an independent group. Crank and Langworthy (1992: 83) note that "Institutionalized organizations, because they embody prevailing values and beliefs, cease to be 'mere engines' of bureaucratic efficiency; they are recognized as valued natural communities, whose 'self-maintenance becomes an end in itself.'" This logic follows, as police departments regularly use amounts of drugs, guns, or money as validation criteria, and thus a measure of quality control (Manning, 1980, 2006; Skolnick, 1994). Therefore, any data collected on search warrants should be available to outside groups monitoring police activities.

Bourbonville Police Department has many policies in place that are meant to reduce the discretion the detectives have for proceeding through a search warrant on their own terms; however, these policies are rarely enforced or are left to the unit sergeants and lieutenants to determine what policies should be adhered to and to what extent. The study

revealed that the units regularly push the boundaries of departmental policies and procedures in regard to the development and use of confidential informants and filling out the SWAT matrix. The department should require greater oversight by department command staff to approve warrants before they are executed. The department should also develop policies that restrict when detectives are allowed to serve search warrants. For instance, detectives should not be allowed to execute search warrants when children are present on the property. Search warrant raids are a violent process, and there is a large body of research that notes detrimental impact of children who witness violent acts (Dinizulu, Grant, & McIntosh, 2014; Kaynak, Lepore, & Kliewer, 2011; Kliewer & Lepore, 2015; Singh & Kenney, 2013). Further, the presence of children restricts the use of flash-bang grenades and breaking windows, two tactics detectives argue are important. If these tactics are necessary in a warrant, then serving the warrant while children are location puts law enforcement personnel at risk. Finally, the presence of children increases the stress of detectives, as the detectives show disdain for parents who commit criminal acts while children are present. The disdain showed by the detectives often manifests itself in shouting matches or the detectives wrecking property while searching the location. This type of policy would not eliminate serving warrants on locations that contain children, rather detectives will need to conduct further investigations and pre-warrant surveillance to note when children are not present—likely during school hours. Any policy restricting the execution of warrants when children are present can provide exceptions for exigent or rare circumstances. The department should also develop restrictions on when detectives are allowed to use dynamic entries when serving a search warrant. One avenue for restricting the use of dynamic entry during raids is establishing a

minimum threshold on the existing Search Warrant Matrix. If the risks associated with a warrant are low, detectives would not be allowed to use dynamic entry, instead they would be required to do a knock-and-talk. The limitation on dynamic entry will reduce the damage caused by detectives, reduce the number of detectives required to serve a warrant, and decrease the safety risks associated with dynamic entries. Although, a minimal threshold on the warrant matrix may not be practical as detectives acknowledge manipulating the matrix to fit their needs.

Limitations and Future Research

All research studies contain limitations that should be acknowledged, and this study is no different. The first limitation of the study is the narrow scope of the search warrants observed. The search warrants observed were a product of short-term investigations, conducted by two units, and focused on prosecuting narcotic- and gun-crimes. In the 21 months of observation with the detectives, there were no long-term cases being conducted by either of the two units. As discussed throughout the analysis, most of the warrants observed occurred within two or three days from the initial traffic stop through the outcomes of the warrant, making them short-term. Observing a unit that conducts long-term investigations could reveal new processes, especially as it relates to developing probable cause, how the warrant is written, and how the detectives approach the execution of the warrant and the search of the location. This is not to say that long-term cases did not occur across the department during the observation period, rather, the researcher was not made aware of or did not have the opportunity to observe these cases. The enforcement priorities of the units under study were oriented towards short-term cases. It is not to say the units were not capable of conducting these types of

investigations, rather the organizational demands and structure of the units expected them to control problem areas through enforcement, a strategy long-term investigations would take away from. Long-term investigations are likely to reveal different patterns of investigation and perhaps even different approaches to executing the warrant.

In a similar vein, this study only examined the use of police raids on narcotic- and gun-related crimes. The investigation of other crimes and the securing of search warrants are likely to follow the same stages; however, the processes within each stage would likely vary. Finally, the study observed only two detective units. The emphasis on warrants from short-term investigations of narcotic and gun crimes by two units limits the generalizability of the study. Examination of other units such as inter-agency task forces, homicide units, computer-crime units, or federal agencies could provide greater understanding of the role search warrants and search warrant raids play in American law enforcement.

A second limitation in the study is the failure to explore the effectiveness of search warrants. The particular theoretical orientation used in the study gives primacy to the detectives' understanding of search warrants. As such, the effectiveness of the warrants was situated within the outcomes presented by the detectives. While this approach is informative, the study does not explore any objective measures of the warrants. For instance, the study does not to examine the extent of warrant seizures, including the amount of drugs, guns, or currency. Nor does the study examine the type and number of charges given per warrant. The study also does not evaluate the role or effectiveness of the SWAT team's involvement in the warrants. Determination of whether the SWAT team should be involved more or less is outside the scope of this

study. Future research should examine these factors, as well as analyze whether search warrants have any deterrent effect, as the detectives claim. Thus far, only two studies have examined this question (Kleinman & Smith, 1990; Sherman, 1990), finding mixed results. Finally, an important policy concern is whether search warrants are cost effective; therefore, future research should conduct cost-benefit analyses on the inputs and outputs of narcotic- and gun-related raids.

The final limitation of the study is that the analysis does not include important contextual factors that may help explain the detectives' typifications of raids. There are many contextual factors that shape a detectives understanding including issues of race, class, gender, culture, and political ideologies. These contextual factors inform the construction of police raids at the micro- and macro- level. This study does not distinguish how the personal understandings of the detectives inform the use of raids, particularly in the context of the social structures of police in society. This study largely focuses on the personal troubles detectives face in the warrant process. C. Wright Mills (1958:8) argues that a sociological imagination is needed to connect the micro and the macro and warns:

> Issues have to do with matters that transcend these local environments of the individual and the range of their inner life. They have to do with the organization of many such milieu into the institutions of an historical society as a whole, with the ways in which various milieu overlap and interpenetrate to form the larger structure of social and historical life. An issue is a public matter: some value cherished by publics is felt to be threatened….

Future research on search warrants needs to explain how the detective's social constructions of raids are informed by their understanding of criminality and their structural understandings of justice. This research includes an exploration of the detectives' culture, which would expand existing notions of culture largely focusing on

patrol officers, especially how the detectives' rank and position within the organization enhances, privileges, and reinforces the value of the crime-fighter (Fassin, 2013; Hassell, 2007; Herbert, 1998; Klinger, 1997; Manning, 1980; Reuss-Ianni, 1983; Sanders, 1977). Future search warrant research should explore the consequences of raids on poor and minority communities in which they overwhelmingly take place (Fassin, 2013; Goffman, 2013; Rios, 2013). In particular, research on warrants impact on minority communities should consider how the institution of law enforcement and society in general produce racialized categories that justifies the continued use of search warrants as a means of controlling poor, minority communities. Furthermore, research should examine how the search warrant process transforms everyday behaviors of residents into suspicious activity that detectives perceive to necessitate investigation, and often results in detectives violently entering and searching someone's location in the name of social order. Future research should consider how neoliberalism dictates and shapes notions of punishment and control, and to situate law enforcement as an important cog in maintaining neoliberal order (Chambliss, 1999; Fassin, 2013; Herring, 1983; Wacquant, 2009; Websdale, 2001). The inclusion of race and class, and their histories, as orienting perspectives provides a fuller understanding of the search warrant process, the strategies deployed by detectives, and the outcomes achieved. These perspectives provide greater depth to why detectives construct raids, and especially the constitutive role of violence in raids, as a necessary enforcement action in the war on drugs and crime.

ENDNOTES

1. The Wickersham Commission (1931) was the first national study of the American criminal justice system, producing 14 reports. One of the reports entitled Report on Lawlessness in Law Enforcement, exposed police departments' extensive use of the "third degree" to extract information from suspects. The "third degree" entailed inflicting pain, to obtain confessions or statements from suspected criminals. Several national commissions occurred during the 1960s. The President's Commission on Law Enforcement and Administration of Justice (1967) (known as the President's Crime Commission) conducted a comprehensive study of the entire criminal justice system, including the police, and sponsored important police research. It was in this report that society began to understand the influence of police discretion on their practices and behaviors. The studies conducted by Black (1971) and Black and Reiss (1967) provided insight into how police make decisions. The studies showed the broad discretion afforded to the police and acknowledged that most of police work involved non-criminal matters. The Kerner Commission (1968) was created to study the riots that were occurring throughout the country. In 1967, there were over 200 violent disorders. The Kerner Commission (1968: 45) found "deep hostility between police and ghetto communities as a primary cause of the disorder." The Commission recommended the police alter their operations in order to eliminate abrasive practices. Further, the Commission recommended the hiring of more African-American police officers. Finally, the Commission recommended police departments create formal policies for addressing citizen complaints. The Kerner Commission also challenged traditional ideals about police professionalism. In particular, the Commission (1968: 301) argued "many of the serious disturbances took place in cities whose police are among the best led, best organized, best trained, and most professional in the country." The Kerner Commission also recognized that the automobile had the unintended consequence of removing the police from the citizenry, and that this social distance contributed to the animosity between the police and the communities they serve. To address the recommendations from the President's Commission on Law Enforcement of Justice (1967) and the Kerner Commission (1931), the Federal government took steps to provide resources for police departments across the United States. In 1968, Congress passed the Omnibus Crime Control and Safe Streets Act (The Act) providing significant resources for state and local police departments to purchase needed equipment, provide additional training to police officers, and to develop programs to improve policing. As a result of this new stream of funding, the size and scope of American police agencies grew at a rapid pace (Lyons, 2002). Not all of the research on policing came from the government. In 1973, the American Bar Association (ABA) published a report entitled Standards Relating to the Urban

Police Function. In this report, the ABA recommended several guidelines to control police discretion. In particular, this report emphasized the importance of written policies, also known as standard operating procedures, to reduce instances of deadly force, high-speed pursuits, and the handling of domestic violence incidents (ABA, 1980). The ABA's report combined with the President's Crime Commission led to police departments institutionalizing the use of written policies to control police officer discretion (Walker, 1991).

2. All quotations and field observations do not contain identifiers such as dates or addresses. Police work involves a substantial amount of documentation, which could reveal the identities of the detectives involved in the study.
3. Pre-warrant execution surveillance refers to the surveillance conducted by detectives to identify information for the purposes of executing the warrant. This surveillance is distinguished between surveillance conducted for the purposes of securing probable cause.
4. The "stack" is police jargon for how the law enforcement personnel involved in the warrant are to line-up when making entry in to the house. The first person in the stack is almost always the person possessing the ram, followed by a person carrying the pick, and the verification officer is third in the stack. The rest of the stack consists law enforcement personnel who are also making entry and responsible for clearing and securing the residence. The size of the stack is contingent on the number of personnel available and the size of the location.

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APPENDIX A:

Key Cases in the Search Warrant Process

Probable Cause		
Case	**Issue**	**Reasoning**
Brinegar v. United States, 338 U.S. 160 [1949]	Given the facts, was probable cause present for the search and subsequent arrest? Yes.	The Court held that probable cause is more than suspicion. Probable cause exists when the officer's knowledge along with the facts and circumstances of the even lead the officer to reasonably believe an offense has been or is being committed.
Draper v. United States, 358 U.S. 307 (1959).	Did the facts and circumstances provide probable cause to believe the suspect had committed or was committing a crime? Yes.	Information received from an informant that is corroborated by an officer may be sufficient to provide probable cause for an arrest, even though such information was hearsay and would not otherwise have been admissible in a criminal trial.
Maryland v. Pringle, 540 U.S. 366 (2003)	Is the arrest of a front-seat passenger in a car in violation of the Fourth Amendment when the basis for the arrest is drug paraphernalia found in the back of the car? Yes.	When finding contraband in a vehicle, there is probable cause to arrest the occupants.
Confidential Informants		
Aguilar v. Texas, 378 U.S. 108 (1964)	Did the affidavit provide sufficient basis for finding of probable cause and issuance of a search affidavit? No.	Court established a two-prong test for determining probable cause: (1) reliability of the informant and (2) reliability of the informant's information.
Spinelli v. United States, 393 U.S.	Is independent information needed to corroborate an	Court established the two-pronged *Aguilar* test. Indicates that the reliability of the informant was not established and the

410 (1969)	informant's information in order to establish probable cause? Yes.	affidavit did not prove the reliability of the informant's information. Court treated the two prongs in *Aguilar* as separate and independent of each other.
Illinois v Gates, 462 U.S. 213 (1983)	Was the search supported by a valid search warrant?	Court abandoned the requirement of two independent tests as being too rigid, holding instead that the two prongs should be treated merely as relevant considerations in the totality of the circumstances. New test: if a neutral and detached magistrate determines that, based on an informant's information and all other available facts, there is probable cause to believe that an arrest or a search is justified, then the warrant may be issued.
Stop and Frisk		
Terry v. Ohio, 392 U.S. 1 (1968)	1. Was the stop of Terry constitutional? Yes. 2. Was the frisk of Terry constitutional? Yes.	The police have the authority to stop a person even without probable cause as a long as there is reasonable suspicion to believe that the person has committed a crime or is about to commit a crime. The person may be frisked if there is reasonable concern for officer's safety.
Minnesota v. Dickerson, 508 U.S. 366 (1993)	Are officers allowed to seize contraband that is nonthreatening during a frisk? Yes.	A frisk that goes beyond that allowed in *Terry v. Ohio* in stop and frisk cases is invalid. In this case, the search went beyond the part-down search allowed by *Terry* because the officer "squeezed, slid, and otherwise manipulated the pocket's content" before knowing it was cocaine.
Pennsylvania v. Mimms, 434 U.S. 106 (1997)	1. Are police allowed to order citizens out of their vehicle with no reasonable suspicion? Yes. 2. Can the police "pat down" a citizen without reasonable suspicion? Yes.	A police officer may order the driver of a vehicle to step out of the vehicle after a routine stop even if the officer has no responsible suspicion that the driver poses a threat to the officer's safety.

Illinois v. Wardlow, 528 U.S. 119 (2000)	Is fleeing from the police sufficient cause to perform a Terry stop? Yes.	Individuals in high-crime areas who flee from police unprovoked, provides officers with sufficient cause to conduct a Terry stop and investigate if criminal activity is occurring.
Knock and Announce		
Wilson v. Arkansas, 514 U.S. 927 (1995)	Is entering a dwelling to serve a warrant unreasonable when officers do not knock and announce first and they have not established a risk either to themselves or of evidence justifying an unannounced entry? Yes.	Knock and announce common law principle is part of the Fourth Amendment's requirement that searches and seizures be reasonable.
Richards v. Wisconsin, 520 U.S. 385 (1997)	Is there a blanket exception to the "knock and announce" rule of serving warrants, when drugs are involved? No.	There are no blanket exceptions to the knock and announce rule.
United States v. Ramirez, 523 U.S. 65 (1998)	Does the Fourth Amendment require police officers to have more than reasonable suspicion that knock and announcing would be dangerous, when a "no-knock entry results in destruction of property? No.	The knock and announce rule does not require higher standards when property damage may occur.
United States v. Banks, 540 U.S. 31 (2003)	Is the police waiting 15 to 20 seconds after knocking and announcing sufficient before using force to break the door? Yes.	Court held that after knocking and announcing, 15 to 20 seconds is sufficient time to wait before using force to make entry.

Hudson v. Michigan, 547 U.S. 586 (2006)	Does the exclusionary rule apply to evidence obtained when the knock and announce rule is violated? No.	Evidence obtained need not be excluded when police officers violate the knock and announce rule. The Court ruled that the exclusionary rule does not apply to violations of the knock-and-announce rule because the knock-and-announce rule is "meant to prevent violence, property damage, and impositions on privacy, not to prevent police from conducting a search for which they have a valid warrant."
Right to Privacy		
Katz v. United States, 389 U.S. 347 (1967)	Does an individual talking on a public telephone have a reasonable expectation to privacy? Yes.	The person must have an actual expectation of privacy; and the expectation must be one that society is prepared to recognize as reasonable.
Search and Seizure		
Michigan v. Summers, 452 U.S. 692 (1981)	Was the initial detention of Summers, during the search of the house, lawful? Yes.	The police are allowed to detain persons when the individuals are on the premises of a property being searched.
Maryland v. Garrison, 480 U.S. 79 (1987)	Can the fruits of a search pursuant to a warrant be excluded on Fourth Amendment grounds when the police officer reasonably believed he/she was at the proper location? Yes.	Warrants should be judged on the validity of the information available to officers at the time they obtained the warrant.
Groh v. Ramirez et al., 540 U.S. 441 (2004)	If law enforcement officers use a search warrant that does not describe the items sought, but is approved by a magistrate, is the warrant valid? Yes.	A search warrant that does not comply with the requirement that the warrant particularly describe the person or things to be seized is unconstitutional.
United States v. Grubbs, 547 U.S. 90 (2006)	Is evidence seized during an anticipatory warrant subject to the exclusionary rule? No.	Anticipatory search warrants are valid, if there is probable cause indicating the property will be at the location when the warrant is served.

Exigent Circumstances		
Warden v. Hayden, 387 U.S. 294 (1967)	1. Were the entry into the house and the search for the robber, without a warrant, legal? Yes. 2. Even if the search was lawful, was the seizure of the items of clothing legal? Yes.	The police are allowed to enter a home without a warrant in order to search for a dangerous suspect whom they believe to be on the premises. Furthermore, any evidence seized is legally valid.
Vale v. Louisiana, 399 U.S. 30 (1970)	Is a search of a home incident to an arrest valid if the arrest did not take place within the home? No.	Warrantless searches of locations are not allowed to prevent the destruction of evidence, unless the destruction or threat of danger is imminent.
Mincey v. Arizona, 437 U.S. 385 (1978)	Was the warrantless search of the murder scene permissible? No.	Police must obtain a warrant to conduct a search at any crime scene, unless the police can show that obtaining the warrant would result in evidence being destroyed or removed during the time it took to secure the warrant.
Flippo v. West Virginia, 528 U.S. 11 (1999)	Is there a crime scene exception to the warrant requirement? No.	A warrantless search is not allowed unless it falls under one of the narrow exceptions to Fourth Amendment warrant requirements.
Illinois v. McArthur, 531 U.S. 326 (2001)	Are police allowed to detain a resident while obtaining a search warrant? Yes.	The police may detain a suspect in order to obtain a warrant when exigent circumstances exist.
Brigham City, Utah v. Stuart, 547 U.S. 47 (2007)	Can police enter the a building without a warrant if they believe an occupant is seriously injured or threatened with a serious injury? Yes.	Police are allowed to conduct a warrantless search of a location if they believe the resident is threatened with injury or is seriously injured.
Maryland v. Buie, 494 U.S. 325 (1990)	Are items found in plain view during a protective sweep able to be seized? Yes.	When making an arrest of an individual in their home, the police are able to conduct a limited protective sweep and can seize any contraband in plain view.
Kentucky v King,	Does the exclusionary	The exigent circumstance rule applies, as

563 U.S. __ (2011)	rule apply when the emergency is created by lawful police action? Yes.	long as the police do not intentionally create the exigency by violating the Fourth Amendment.
Canine Searches		
United States v. Place, 462 U.S. 696 (1983)	Was the detention and search of the suitcases lawful? No.	The use of police narcotic canines to search closed containers does not constitute a search as long as the police are on the premises legally.
Illinois v. Caballes, 543 U.S. 405 (2005)	Does the Fourth Amendment require reasonable suspicion before conducting a canine sniff during a traffic stop? No.	Canine sniffs during a lawful traffic stop to detect illegal drugs does not violate the Fourth Amendment.
Florida v. Jardines, 569 U.S. __ (2013)	Is a dog sniff at the front door by a trained narcotics canine a Fourth Amendment search? Yes.	The Court held that the front porch is part of the home which is protected by the Fourth Amendment. As such, the police officers were conducting an unlawful search.
Florida v. Harris, 568 U.S. __ (2013)	Does a drug canine alert to the exterior of a vehicle constitute probable cause to conduct a warrantless search of the interior of the car? Yes.	A canine's alert is sufficient for establishing probable cause under the totality of the circumstances approach, when the canine is certified and shown to be reliable.
Consent Searches		
Schneckloth v. Bustamonte, 412 U.S. 218 (1973)	Do the police have to establish that an individual did not know their right to refuse consent? No.	The police do not have to establish that the person giving consent recognize his/her right to refuse a search.
United States v. Drayton, 536 U.S. 194 (2002)	Does the Fourth Amendment require the police to inform citizens of their right to refuse consent? No.	The Fourth Amendment has no requirement to advise individuals of their right to refuse consent searches.
Florida v. Jimeno, 500 U.S. 248 (1991)	Does consent to search a vehicle also include consent to search containers in the	Warrantless searches with consent are valid, but the search must stay within its allowable scope.

	vehicle? Yes.	
Georgia v. Randolph, 547 U.S. 103 (2006)	Are warrantless searches of shared dwelling valid when one occupant gives consent but the other resident does not? No.	When a resident refuses to a consent search, any subsequent search is unreasonable, even if another occupant does consent.
Plain View, Open Fields, and Curtilage		
Harris v. United States, 390 U.S. 234 (1968)	Can an officer, who is in a proper position and views illegal contraband seize said contraband and use it as evidence? Yes.	Objects falling in the plain view of an officer who has a right to be in a position to have that view are subject to seizure and may be introduced as evidence.
Arizona v. Hicks, 480 U.S. 321 (1987)	Was the evidence seized in violation of the Fourth Amendment? Yes.	With plain view there must be probable cause to believe that the items being searched are, in fact, contraband or evidence of criminal activity.
United States v. Dunn, 480 U.S. 294 (1987)	Does a barn, located 50 yards from a fence surrounding a ranch home, constitute curtilage? No.	Curtilage is determined by four factors: (1) proximity of the area to the home; (2) whether the area is an enclosure surrounding the home; (3) nature and uses of area; and (4) steps taken to conceal from public view.
California v. Ciraolo, 476 U.S. 207 (1986)	Does a warrantless, aerial observation of a backyard from 1,000 feet constitute an illegal search? No.	Naked-eye aerial observation by the police of a suspect's backyard are not violations of reasonable search and seizure.
Florida v. Riley, 488 U.S. 445 (1989)	Are naked-eye observations of the curtilage of property made from a helicopter 400 feet in the air a search for purposes of the Fourth Amendment for which a warrant must be obtained?	Police flying at an altitude at which the FAA regulations allow members of the public to fly, such aerial observations is valid, because the homeowner has no expectation of privacy.
Oliver v. United States, 466 U.S. 170 (1984)	Does the open fields doctrine apply to areas outside the curtilage? Yes.	An open field is any unoccupied or underdeveloped area outside the curtilage. Court ruled it is legal for the police to enter and search unoccupied or underdeveloped areas outside the curtilage without either a

		warrant or probable cause, as long as the place comes under the category of fields.
Kyllo v. United States, 533 U.S. 27 (2001)	Is there a reasonable expectation of privacy in the heat escaping from a residence? Yes.	Police using a technological device to explore the details of a home that would previously have been unknowable without physical intrusion is a search and is presumptively unreasonable without a warrant.
Exclusionary Rule		
United States v. Leon, 468 U.S. 897 (1984)	Does the exclusionary rule apply when the search warrant is issued by a magistrate but found not to be supported by probable cause? No.	Not every violation of a constitutional right comes under the exclusionary rule.
Arizona v. Evans, 514 U.S. 1 (1995)	Does the exclusionary rule require suppression of the evidence of marijuana obtained from Evans?	The exclusionary rule operates as a judicially created remedy designed to safeguard against future violations of Fourth Amendment rights through the rule's general deterrent effect. The exclusionary rule does not require suppression of evidence seized when the erroneous information resulted from clerical errors of court employees.
Weeks v. United States, 232 U.S. 383 (1914)	Was the search legal, and by extension, the admission of the items found permitted in trial? No.	Court ruled the items seized from the home were in violation of the Constitution, as the Fourth Amendment were a violation of the unreasonable search and seizure clause.
Mapp v. Ohio, 367 U.S. 643 (1961)	Is evidence obtained in violation of the Fourth Amendment guarantee against unreasonable search and seizure admissible in state court? No.	The exclusionary rule that prohibits the use of evidence obtained as a result of unreasonable search and seizure is applicable to state criminal proceedings.
Good Faith Exceptions		
Nix v. Williams, 467 U.S. 431 (1984)	Should improperly obtained evidence be excluded from trial? No.	Under the inevitable discovery doctrine, the evidence would have been obtained shortly, therefore, the method in which it was obtained is irrelevant.
Illinois v.	If an officer reasonably	The search is permissible because the

Rodriguez, 497 U.S. 117 (1990)	believes that a resident has authority to allow a consent, is the search allowable? Yes.	police had a reasonable belief that a responsible party consented to the search.

CURRICULUM VITAE

Brian P. Schaefer, Ph.D.
Department of Justice Administration, 205 Brigman Hall
University of Louisville
Louisvilly, KY 40292
Brian.schaefer@louisville.edu

EDUCATION

Ph.D. Justice Administration
University of Louisville, May 2015

M.S. Criminal Justice
Eastern Kentucky University, 2009

B.A. Sociology, Minor in Psychology
McKendree University, 2007

RESEARCH INTERESTS

Policing
Criminal Procedure
Inequality, Social Diversity, and Criminal Justice
Criminological Theory
Collateral Consequences of Criminal Justice

PROFESSIONAL EXPERIENCE

Graduate Research Assistant, January 2013-Present.
Department of Justice Administration
University of Louisville

- **National Institute of Justice Grant: Project Safe Neighborhoods,** under Thomas Hughes, Ph.D. (January 2013-Present).
- **Process and Outcome Evaluation of Adult Restorative Justice Program,** under Thomas Hughes, Ph.D. (January 2013- Present).
- **Development of victim services program for Louisville Metro Police Department,** under Deborah Keeling, Ph.D. **(**January 2013-May 2014).

Graduate Teaching Assistant, May 2014-Present.
Department of Justice Administration
University of Louisville

- *Research Design* (JA 325)

Doctoral Teaching Fellow, May 2011-August 2011.
College of Criminal Justice
Sam Houston State University
Crime, Justice and Social Diversity (CJ 485)

Graduate Research Assistant, August 2009-May 2010.
College of Criminal Justice
Sam Houston State University
Conducted research under the guidance of Bill King (Fall 2009- Spring (2010) and Jurg Gerber (Fall 2010-May 2011).
Assisted in: *Criminal Justice in Film* (CJ 477), *Police Systems & Practices* (CJ 267), *and Social Deviance* (CJ 482).

Graduate Assistant, August 2007-May 2009
Department of Criminal Justice and Police Studies
College of Justice and Safety
Eastern Kentucky University
Assisted in research under Mark Konty, Ph.D. and Scott Hunt, Ph.D. Co-taught under Mark Konty, Ph.D. Courses assisted: *Statistics, Social Control.*

REFEREED PUBLICATIONS

Steinmetz, K.F., **Schaefer, B.P**., del Carmen, R.V., & Hemmens, C. (2014, Online First). Assessing the boundaries between Criminal Justice and Criminology? *Criminal Justice Review*, *x*(x), xx-xx.

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BOOK CHAPTERS

Schaefer, B.P. Social Networks and Crime: Applying criminological theories. Chapter for C.D. Marcum & G.E. Higgins. *Social Networking as a Criminal Enterprise* (pp. 27-48). Boca Raton, FL: CRC Press.

TECHNICAL REPORTS

Shaefer, B.P., & Hughes, T. (2014). *Pulling Levers and Hot Spots Policing in Parkland: Final Report for Project Safe Neighborhoods.* Report in progress to Louisville Metro Crime Commission.

Schaefer, B.P. & Hughes, T. (2014). *Hot Spots Policing across the Metroplex.* Report submitted to Louisville Metro Crime Commission.

Schaefer, B.P. & Hughes, T. (2013). *Pulling Levers and Hot Spots Policing in Parkland: Year 1 Report*. First year report submitted to Louisville Metro Crime Commission.

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John Irwin (2013). *Lifers: Seeking redemption in prison.* Reviewed by: Brian Schaefer. *Journal of Qualitative Criminal Justice and Criminology, 1*(2).

RESEARCH UNDER REVIEW

Schaefer, B.P., Vito, A.G., Marcum, C. D., Ricketts, M. L., & Higgins, G.E. (Revise & Resubmit). The Correlates of Adolescent Marijuana Use: Testing Social Learning and Self-Control Theories. *Sociological Focus*

RESEARCH IN PROGRESS

Schaefer, B.P., & Hughes, T. Enforcing Hot Spots across the Metroplex: A Citywide Examination of a Hot Spots Policing Strategy

Schaefer, B.P., Hughes, T.W., & Osborne, D. Combatting Violent Crime with Pulling Levers, Hot Spots, and Aggressive Patrol.

GRANTS

Hughes, T.W., & **Schaefer, B.P.** Examining the relationship between drug and property crimes using NIBRS. Proposal submitted to the National Institute of Justice Data Resources Program ($34,340). Under Review

PRESENTATIONS

Schaefer, B.P., Hughes, T.W., & Osborne, D. (2014). Combatting Violent Crime with Pulling Levers and Hot Spots: A Multi-strategy Outcome Evaluation. Forthcoming presentation to the American Society of Criminology. San Francisco, California.

Schaefer, B.P. (2014). Why Knock when you can Enter? The Ambiguities of Knock-and-Announce in Police Search Warrants. Forthcoming presentation to the Southern Criminal Justice Association. Clearwater, Florida.

Vito, A.G., **Schaefer, B.P**., Marcum, C.D., Ricketts, M.L., & Higgins, G.E. (2014). Juvenile Binge Drinking: A multiple theoretical approach. Forthcoming presentation to the Southern Criminal Justice Association. Clearwater, Florida.

Schaefer, B.P. (2014). The Mundanity of Police Work: A Cultural Criminological Exploration of Boredom. Forthcoming presentation at the International Crime Media and Popular Culture Studies Conference. Terre Haute, Indiana.

Schaefer, B.P., & Hughes, T.W. (2014). Lever Pulling and Restorative Justice: A Leap of Faith for Legitimacy. Presented to the Academy of Criminal Justice Sciences, Philadelphia, PA.

Hughes, T.W., & **Schaefer, B.P.** (2013). Combining Focused Deterrence and Hot Spots Strategies: "it ought to be easy ought to be simple enough." Presented to the American Society of Criminology. Atlanta, GA.

Schaefer, B.P., & Root, C. (2013). Whistleblower Retaliation and the Production of Silence: An Examination of National Security Leaks in the United States. Presented to the International Crime, Media, & Popular Culture Studies Conference. Terre Haute, Indiana.

Steinmetz, K.F., **Schaefer, B.P**., & del Carmen, R.V. (2013). Assessing the Boundaries between Criminal Justice and Criminology. Presented to the Academy of Criminal Justice Sciences, Dallas, Texas.

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Schaefer, B.P., Hill, J.B., Subjack, J., & Steinmetz, K. (2010). Criminological and Criminal Justice Theorizing: A Preliminary Content Analysis. Presentation to the American Society of Criminology. San Francisco, California.

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King, W.K., & **Schaefer, B.P.** (2010). Change and Continuity in US Police Agencies since 1937: An Empirical Test of Structural Inertia Theory. Presentation to the Academy of Criminal Justice Sciences. San Diego, California.

Schaefer, B.P., & **Kraska, P.B.** (2009). Felon Disenfranchisement: Re-negotiating Racial Divisions. Presentation to the American Society of Criminology. Philadelphia, Pennsylvania.

Jones, R., & **Schaefer, B.P.** (2009). Campus Safety: Responding to VT. Presentation to the Academy of Criminal Justice Sciences. Boston, Massachusetts.

McCafferty, S., & **Schaefer, B.P.** (2008). A Cross-National Comparison of Police Education Training in Finland and Kentucky. Presentation to the American Society of Criminology. St. Louis, Missouri.

Schaefer, B.P. (2007). Binge Drinking, College Students, and Preventable Morbidity. Presentation to the Midwest Sociological Society. Chicago, Illinois.

ROUNDTABLES

Transitioning to and Experiencing a Ph.D. Criminology/Criminal Justice Program: Perspectives from Current Students. (2014). Moderated by H. Jones. Roundtable at the 2014 meeting of the Southern Criminal Justice Association. Clearwater, Florida.

ADVANCED METHODOLOGICAL TRAINING

Summer Workshop on Social Network Analysis: Analyzing Data. University of Kentucky LINKS Center, Lexington, Kentucky, 2014.

Summer Workshop on Social Network Analysis: Introduction to SNA. University of Kentucky LINKS Center, Lexington, Kentucky, 2013.

Grounded Theory, Kathy Charmaz, Ph.D. Workshop at the American Society of Criminology, San Francisco, CA, 2010.

Qualitative Data Analysis, Peter Adler, Ph.D., & Patricia Adler, Ph.D. Workshop at the American Society of Criminology, St. Louis, MO, 2008.

COURSES TAUGHT

JA 201—Introduction to Law Enforcement—Department of Justice Administration, University of Louisville, Spring 2015 semester.

JA 325- Research Design – Department of Justice Administration, University of Louisville. Summer 2014 semester, Spring 2015 Semester.

CRIJ 4385 – Crime, Justice, and Social Diversity – College of Criminal Justice, Sam Houston State University. Fall 2012 semester.

INVITED LECTURES

Schaefer, B.P., & Hughes, T. (2014). Hot Spot Policing Across the Metroplex. Presentation to the Louisville Metro Police Department Command Staff. Louisville, Kentucky.

Schaefer, B.P. & Hughes, T. (2014). Legtimacy and Restorative Justice. Presentation to the Southern Police Institute Alumni Association Conference. Tampa, Florida.

Schaefer, B.P. & Hughes, T. (2014). Community Involvement and Focused Deterrence. Presentation to the Southern Police Institute Alumni Association Conference. Monroe, North Carolina.

Schaefer, B.P., & McCafferty, S. (2008). American Corrections. Presentation to the Sweden Prison and Probation Training Facility. Stockholm, Sweden.

Schaefer, B.P., & McCafferty, S. (2008). American Corrections. Presentation to the Finland Prison and Probation Training Facility. Helsinki, Finland.

Schaefer, B.P., & McCafferty, S. (2008). American Corrections. Presentation to the Estonia Prison and Probation Training Facility. Tallin, Estonia.

SERVICE

Manuscript Reviewer

Justice Quarterly
Journal of Criminal Justice Education
Theoretical Criminology
Journal of Drug Issues

University/Department Service

Peer Mentor, Department of Justice Administration Graduate Program, August 2014-Present.

News Editor, *Sociology Lens,* August 2013-May 2014.

Co-Founder, Critical Criminology on Tap. Graduate student group at Sam Houston State University, January 2011- August 2011.

Member, Dean's Study Advisory Council at Sam Houston State University, August 2009-August 2011.

Co-Founder and President, Criminal Justice Graduate Student Association, Eastern Kentucky University, August 2008-May 2009.

AWARDS AND HONORS

Tuition Matching Award, University of Louisville Sponsored Programs 2012-2013.

Doctoral Summer Research Fellowship, Sam Houston State University, May 2010-October 2010. $6,000.

Doctoral Summer Research Fellowship, Sam Houston State University, May 2009-October 2009. $3,000.

Excellence in Writing Award, Sam Houston State University, 2010.

REFERENCES

Thomas W. Hughes, J.D. Ph.D.
Department of Justice Administration
University of Louisville
Louisville, KY 40292
Work: (502) 852-0332
E-mail: thomas.hughes@lousiville.edu

Richard Tewksbury, Ph.D. .
Department of Justice Administration
University of Louisville
Louisville, KY 40292
Work: (502)-852-0379
E-mail: ratewk01@louisville.edu

George E. Higgins, Ph.D. .
Department of Justice Administration
University of Louisville
Louisville, KY 40292
Work: (502)-852-0331
E-mail: George.higgins@louisville.edu

Victor Kappeler, Ph.D.
Associate Dean, School of Justice Studies
Eastern Kentucky University
Richmond, KY
Work: (859) 622-7888
E-mail: Victor.Kappeler@eku.edu