

Baltimore Police Newsletters

Assist an Officer

Volume 3 Number 1

January 14, 1966

To

Volume 3 Number 19

May 20, 1966

After this the Baltimore City Night Patrol Newsletter came out.



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

THE BURGLARY PROBLEM

DO YOU REALIZE THAT.....

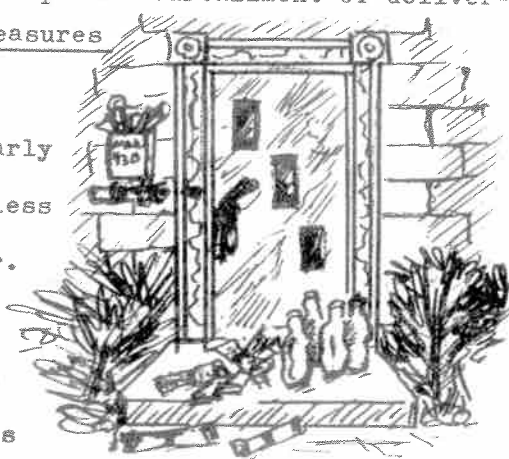
BURGLARIES represent 1,100,000 of the more than 2,600,000 serious crimes committed during the Year 1964 (this crime showed a 5% increase during the first 9 months of 1965. (National crime statistics -- FBI Uniform Crime Reports)

This type of criminal activity increases during the winter months for a number of reasons: (1) Longer nights (periods of darkness and poor visibility), (2) wealthy persons leave residences unoccupied and "vacant-looking" (3) publicizing vacation trips of the "well-to-do" people (4) leaving currency and valuables in vacant homes creating temptations to burglars (many times this information is supplied to burglars by domestics and "black sheep relatives") (5) failure to notify police when prolonged vacancy is anticipated (6) laxity by failing to arrange for mail and circular "pick-up" and curtailment of deliveries, etc. and lastly, (7) inadequate security measures

BEAR IN MIND THAT.....

Hoodlums in some areas operate during the early evening hours when people are more preoccupied, less inclined to be suspicious, and often out to dinner.

Citizens must be made to realize that they should leave their homes with an "occupied look", (lights on and curtains partially drawn) and doors and windows tightly secured. EDUCATING THE PUBLIC AND SELECTIVE AND AGGRESSIVE PATROL WILL HELP TO PREVENT AND DETECT BURGLARIES OF RESIDENCES!!!



BALTIMORE CITY POLICE DEPARTMENT

Volume #3 - 1

POST ON BULLETIN BOARD

January 14, 1966



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

THE BURGLARY PROBLEM

PART II

DO YOU KNOW THAT....

As a general rule, there are two main ways that burglars gain entrance to homes--by force and by guile. Those who gain entry by guile are known as "classical thieves".

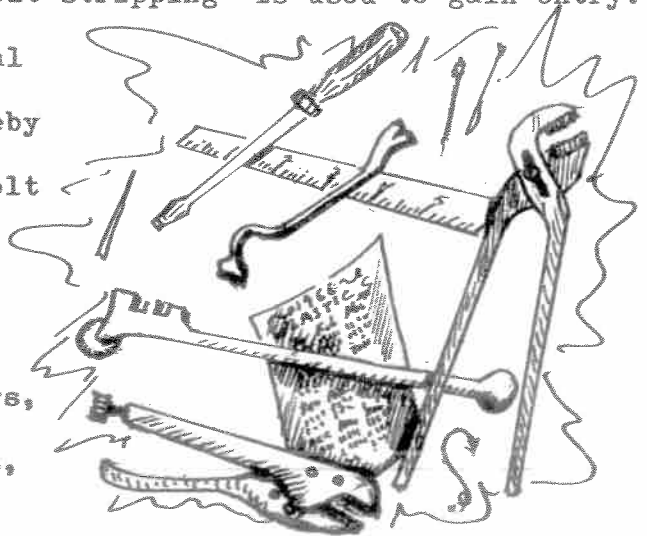
MODUS OPERANDI OF BURGLARS:

Of all the tools used by the "non-classical" thieves, probably the simplest and most common is the "shim" or "cheater jimmy". These objects are made of pliable materials such as light thin metal, plastic or celluloid.

STEEL RULES, POCKET CALENDARS, SMALL TABLE KNIVES AND PIECES OF VENETIAN BLIND ARE A FEW OF THE ITEMS WHICH CAN BE USED AS SHIMS.

A process sometimes referred to as "rabbit stripping" is used to gain entry. The shim is inserted between the vertical strip molding and the door facing, thereby striking the beveled edge of the door bolt and forcing it open.

Other common tools of burglars include screwdrivers, glass cutters, lock pullers, vise-grip pliers for twisting door-knobs, lock picks, and fish hooks.



BALTIMORE CITY POLICE DEPARTMENT



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

THE BURGLARY PROBLEM

PART III

DO YOU KNOW THAT....

There are a number of counter measures that have proven effective in coping with both daytime and nighttime burglaries.

Here are a few suggestions:

- (1) The publication of photographs and descriptions of known burglars who might be "out" in a metropolitan area
- (2) Public education - advice to residents to help prevent burglaries, namely, what precautions should be made for both occupied and unoccupied apartments and residences. (Have delivery services stopped, mail picked up, circulars cleared from steps and porches, secure all openings, and notification to police, etc.)
- (3) Careful checks and surveillances of vacant homes by post patrol
- (4) The enlistment of public interest in the burglary problem by urging people to alert police or supply information concerning burglaries or attempts. Many burglaries have been solved through the receipt of information concerning suspicious individuals, contraband and fruits of such crimes in the possession of suspects, etc.
- (5) Concentrated effort in areas of potential burglaries by the patrol force through the use of records and police experience.

*Burglary will never be eliminated in our society, but it can be limited if all citizens are made aware of the circumstances that make this crime one of the most popular for the ne'er-do-well.



BALTIMORE CITY POLICE DEPARTMENT

Volume #3 - 3

POST ON BULLETIN BOARD

January 28, 1966



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

MODUS OPERANDI

(CRIMINAL TECHNIQUE)

DO YOU KNOW THAT.....

A thorough knowledge of the method of operation of an offender is usually necessary to conduct a successful criminal investigation?

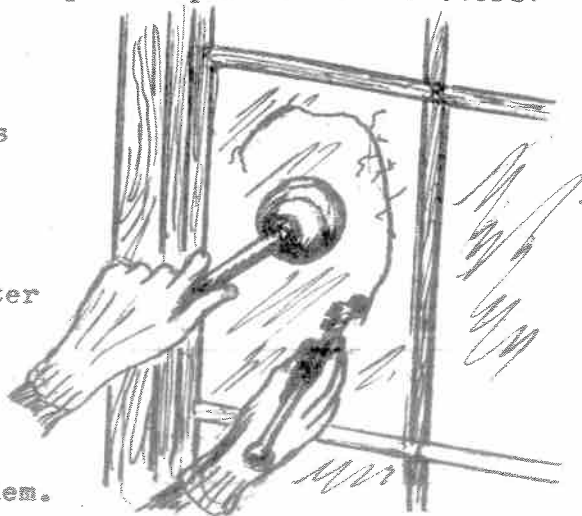
The FBI and some other criminal investigative agencies maintain Modus Operandi Sections and Files. This type of unit provides more useful tools to aid in investigation of crime.

"Modus Operandi" is a Latin term (method of operation) refers to the method or manner by which offenders have committed certain types of crimes. The significance of the modus operandi lies in the fact that habitual offenders tend to repeat the type of offense they have committed, and use similar methods on each occasion. The offender believes it will always work and, therefore, follows the same pattern. (putting it in the vernacular, the criminal leaves his trademark)

The usefulness of the modus operandi system depends upon several factors:

- (1) A thorough criminal investigation
- (2) Good reporting by all police officers
- (3) Keen observation by all of the members of the Department who report or investigate criminal acts

Many additional crimes have been solved after the arrest of a suspect for one certain crime. Upon reviewing similar modus operandi patterns and confronting the suspect with these offenses, he readily admits participating or committing them.



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February 4, 1966



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MODUS OPERANDI

PART II

DO YOU KNOW SOME OF THE PRINCIPAL ELEMENTS TO CONSIDER IN THE SUCCESSFUL OPERATION OF A MODUS OPERANDI FILE?.....

Let's list these elements:

- (1) Classification of the offense (robbery, burglary, rape, homicide, etc.)
- (2) Property or place of attack (did crime occur on the highway, in a gas station, office, dwelling house, store, bank or commercial house?)
If it occurred in a store, what type of business? If the crime was committed in an office, was it an insurance, real estate, doctor's or lawyer's office?
- (3) How was the attack made -- (Burglary) Was entrance gained through a door, window, ceiling, etc. and how was it effected? Means of attack?
If a robbery occurred, what type of weapon and how was it employed? What did the assailant say to the victim and what was taken?
- (4) Victim attacked -- describe the person who was attacked. List the age, sex, race, and occupation. If a firm, what is the nature of the business?
- (5) Object or motive of the attack-- What was taken? The object of the offense might have some bearing on the pattern of operation of the offender.
- (6) Time of attack -- The time, season, etc. should be established and made an important part of the report.
- (7) Trademark or peculiarity -- This is considered one of the most important elements of a criminal's modus operandi. The exact method of entry to a building, place of entry, apparent familiarity with the premises, etc. are to be noted. In robbery cases, what was said and done at the scene or to the victim usually establishes a pattern. In most robbery, theft and burglary cases culprits work in a way peculiar to themselves.



BALTIMORE CITY POLICE DEPARTMENT



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

MODUS OPERANDI

PART III

DO YOU KNOW THAT.....

In ROBBERY CASES, what the hold-up man said to his victim might be an important part of his technique or method of operation. Whether the culprit was cool, polite, gruff or nervous should be noted. Try to learn the answers to such questions as:

- (1) Did the culprit make his victim lie down, place his hands on the counter or in the air, face the wall, sit down, or did he lock the victim in a bathroom or basement, etc.?
- (2) What type of bag or container was used to place the "loot" in?
- (3) How did the felon enter the place of the victim? Did he order merchandise or immediately brandish a weapon? Was he masked, and if so, how was his face concealed?
- (4) What type of merchandise did the culprit take before he left the place of business? What brand did he select?

*Note: Many times such actions by the offenders show a distinct pattern of conduct or technique.

In THEFT CASES, did the thief pretend to be looking or waiting for someone until the right moment arose to steal?

Endeavor to learn:

- (1) If the theft from a parked car was effected by forcing a lock, breaking a glass ventilator, or "popping" a trunk.
- (2) What type of merchandise was taken?



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February 18, 1966



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

MODUS OPERANDI

PART IV

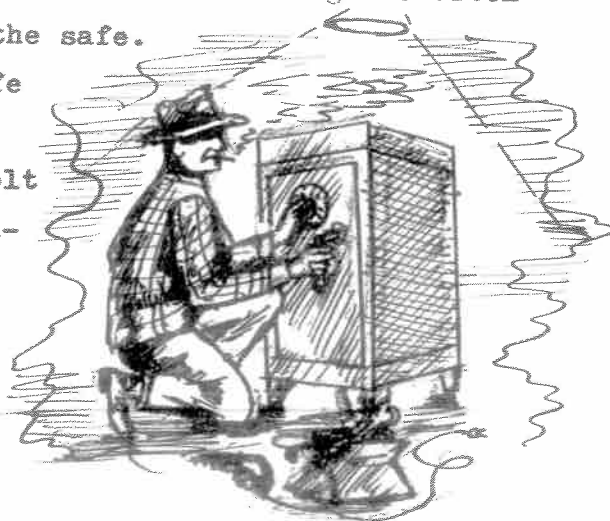
CRIMINAL TECHNIQUE IN CERTAIN TYPES OF CRIMES CONTINUED:

THE SAFE BURGLAR usually operates by using one of the following methods:

- (1) RIPPING JOB -- Use of a crow bar to rip the bottom or back out of a safe.
- (2) TORCH JOB -- Safe is opened with an acetylene torch.
- (3) PUNCH JOB -- Safe is attacked by bludgeoning the dial from the front of the safe with a small sledge hammer, etc.
- (4) CARRY-AWAY JOB -- The safe is removed from the premises and forced open at another location. (Station wagons or trucks are usually employed for this type of operation)
- (5) COMBINATION JOB -- Safe is not properly locked or combination is obtained by some other means.
- (6) BLOW JOB -- The safe is attacked with dynamite or other explosive. This method is dangerous and extensive damage is often done to the contents of the safe.

Regardless of the technique used by the safe burglar, there are certain instruments or tools which are commonly used, such as: The jimmy, bolt cutter, saw, electric drill, chisel, keys, flashlight and gloves, etc.

Generally, safe burglars specialize in that type of criminal activity, and for the most part are professional "safe men".





Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

MODUS OPERANDI

(PART V)

IT SHOULD BE REMEMBERED THAT.....

A vast number of criminals generally use a particular technique when they commit certain types of crime.

*Apartment burglars, many times, use the excuse of "inspection for a public utility", "plumbing inspection", "door-to-door sales", "meter reader", "health inspector", etc. Sometimes such characters work in pairs, that is, one makes the "pitch" while the other acts as the "lookout".

*Second story burglars usually gain entrance by use of ladders, light or utility poles, and sometimes enter through the skylight or fire escape. Sometimes a burglar will secret himself in the building until after closing hours. (Information is sometimes provided by dishonest employees) Also, a truck is generally employed to haul away the "loot".

*"Hold-up" men vary greatly -- each felon uses a method peculiar to himself, the entry to the place, type of mask (if any), conversation or demands, type of merchandise taken or container to carry money or stolen goods, etc., and method of escape.

Finally, the modus operandi system is most effective in crimes of personal contact, as the personal conduct of the offender is most important.

(Speech, mannerisms, description are essential)



BALTIMORE CITY POLICE DEPARTMENT

Volume #3 - 8

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March 4, 1966



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

TESTIFYING IN COURT

DO YOU REALIZE THAT.....

A witness in court has a very responsible and important function to perform.

The police officer who must appear as a witness in court has a responsibility to the party for whom he appears, to himself and most important to the American system of justice.

It must be remembered that in order for a jury or the court to make a correct and wise decision, it must have all of the evidence presented to it in a truthful and proper manner.

The witness takes an oath in court to tell nothing but the truth, however, there are two ways to tell the truth, namely:

One way is in a halting and hesitant manner which makes the judge or jury doubt you.

The other way is a confident, straightforward manner that prompts the judge or jury to have more faith in what you offer in testimony.

To assist the officer to insure that his testimony will be received with credence, a number of "helpful hints" are offered:

(1) Be sure that you are well groomed and appear in a neatly pressed uniform. (If in plainclothes, dress neatly and conservatively)

(2) Don't chew gum or "doodle" while in the court room.

(3) Stand erect when taking the oath. Pay strict attention and answer clearly, "I do".

(4) Be serious at all times. Avoid any satire or facetious remarks while in the court room or other areas of the court house.

(Continued)

BALTIMORE CITY POLICE DEPARTMENT





Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

ATTRIBUTES OF A GOOD WITNESS IN THE COURT..... Cont'd.

(5) Talk to the judge or members of the jury. Face them most of the time and speak frankly and openly. DO NOT COVER YOUR MOUTH WITH YOUR HAND. Speak CLEARLY and LOUDLY enough so that the farthestmost juror can hear you.

(6) Listen carefully to the questions asked of you. Understand the question; have it repeated if necessary, then give a thoughtful and considered answer. DO NOT GIVE A SNAP ANSWER WITHOUT THINKING.

(7) If the question calls for a yes and no, stick to that type of answer. If the question can't be truthfully answered with a "yes" or "no", you have a right to explain the answer.

(8) Answer simply and directly only the question asked of you, then stop. Do not volunteer information not actually requested.

(9) If your answer is wrong, correct it immediately -- if your answer is not clear, clarify it at once.

(10) The court or jury only want facts, not hearsay or personal opinions. With just a few exceptions, you cannot testify about what "someone else told you." (Know the evidentiary rules of criminal procedure)

(11) Don't say, "That's all of the conversation", or "nothing else happened", say "That's all I recall" or "That's all I remember about the incident".

(12) Be polite and courteous to all involved in the trial, both the state's witnesses and those of the defense. No one likes a "smart aleck or a cocky police officer on the witness stand. You will lose the respect of the judge and jury.

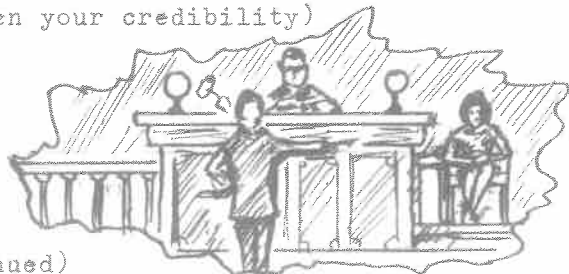
(13) You are sworn to tell the truth! Tell it! Do not try to shade your answer one way or another and forget about who will be advantaged by it. JUST ANSWER THE QUESTIONS TO THE BEST OF YOUR MEMORY OR FACTUALLY FROM YOUR ORIGINAL NOTES.

(14) DO NOT EXAGGERATE! (This will weaken your credibility)

(15) Stop instantly when the judge interrupts you, or when an objection is made.

(16) Give positive, definite answers and avoid, "I think so" or "I believe", etc.

(Continued)





Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

HELPFUL HINTS FOR THE WITNESS IN COURT.....Cont'd.

(17) Above all, don't lose your temper. Remember, some attorneys for the defense will try your patience to adversely affect your testimony. If a question or tactic is improper or unfair, the prosecuting attorney will take it up with the court. Don't ask the judge for advice.

(18) If a question seems improper to you, don't ask the judge whether you must answer it. Rely on the assistant state's attorney to object. If, after an objection is made, the judge overrules it, then answer the question.

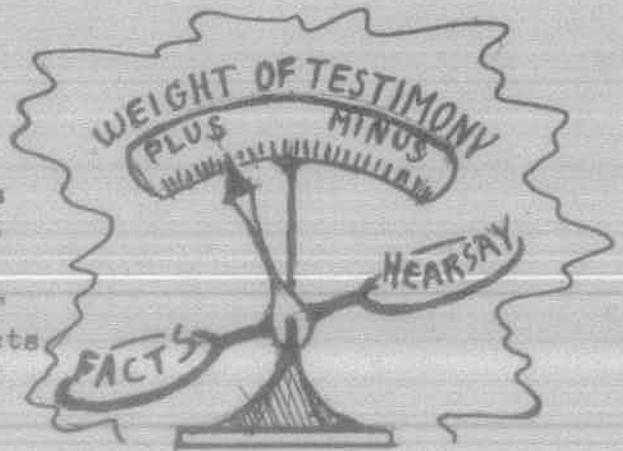
(19) If a question involves an estimate or approximation, be sure that you say it is only an estimate or approximation. Be sure to think carefully about speeds, distances, and intervals of time before testifying. Such matters should be discussed with the prosecuting officer beforehand.

(20) When you leave the witness stand after testifying, wear a confident expression, not a downcast one. (If you are returned to the witness stand, you do not have to be re-sworn, so merely take your seat if a chair is provided and offer your testimony when requested)

Guard against such trick questions as: "Have you talked to anyone about this case?". If you say no, the judge or jury will know that isn't true, because there are a number of persons to whom you might speak, legally, about some fact or incident, such as the assistant state's attorney, other witnesses, your superior officer, etc.

*If you have made a written report or given a statement concerning the matter about which you will be asked to testify, it is imperative that you read the report or statement carefully before you testify. **DO NOT TRY TO MEMORIZE IT!** You should study your notes to refresh your recollection, not to replace it.

In summary -- remember that there is really nothing at all to be scared or nervous about when testifying in court or grand jury. **RELAX AND REMEMBER THAT YOU ARE TALKING TO A LEARNED MEMBER OF THE JUDICIARY, OR MEMBERS OF THE COMMUNITY (JURY) who are only seeking facts and truth from you as an impartial witness!!!**



BALTIMORE CITY POLICE DEPARTMENT



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

SEARCH AND SEIZURE

DO YOU KNOW THAT.....

Recent decisions of the U.S. Supreme Court have drastically changed the principles and practices of search and seizure in State courts.

*The Constitution of the United States guarantees to every person accused of crime, the right to a fair and impartial trial by jury. (A similar guaranty can be found in the Maryland Declaration of Rights)

Under this guaranty, the Fourth Amendment of the U.S. Constitution protects the citizen from unreasonable searches and seizures and permits them the right to be secure in their homes, papers and effects from such search.

(The protection of the Fourth Amendment has always constituted a definite guaranty from the Federal Government to protect the basic rights of the individual as those rights exist on the federal level)

The Federal Courts and the several State Courts have disagreed on the application of the rule on unreasonable searches and the Federal Courts respected the state's position until *Mapp vs Ohio* (367 US 643) Decision of the U.S. Supreme Court in June 1961.

1. The Mapp Case specifically held that:

- a. The rule excluding illegally seized evidence is of constitutional origin.
- b. Reasonableness of a search is in the first instance for the trial court to determine.
- c. All evidence obtained by searches and seizures in violation of the Constitution is constitutionally inadmissible in state courts.
- d. The Fourth Amendment's right of privacy is enforceable against the states through the due process clause of the 14th Amendment of the U.S. Constitution.





Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

SEARCH AND SEIZURE (Continued) II

SEARCH AND SEIZURE in general:

(1) The Standard of Reasonableness

*The officer's conduct must be reasonable and is relative to the the reasonableness of a search, a protection that is provided in the 4th Amendment of the U.S. Constitution.

*The U.S. Supreme Court has indicated in *Rabinowitz v. U.S.* that: What is reasonable in a search is not to be determined by any fixed formula. The Constitution does not define what are unreasonable searches and regrettably in our discipline we have no ready test. The recurring questions on the reasonableness of searches must find resolution in the facts and circumstances of each case. (Some courts have defined "reasonableness" as "what a prudent man would do or be led to believe under the circumstances")

*Factors to be considered in determining reasonableness of search might include:

- (a) Gravity of the offense
- (b) Type of premises
- (c) Size and type of thing sought
- (d) Nature of the thing sought
- (e) Extent of control of premises by arrested person
- (f) Nature of the search

(2) Premises Protected by the 4th Amendment

- (a) A house is specifically protected
- (b) Hotel and motel rooms
- (c) A temporary occupancy is enough to qualify as a house within the amendment



Cont'd.



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

SEARCH AND SEIZURE (Continued) III

SEARCH AND SEIZURE in general:

- (d) The curtilage is also protected
(This is the open space within the common enclosure belonging to a dwelling, i.e., yard, etc.)
- (e) Business premises
- (3) What Would not Constitute a Search
 - (a) In general that which is observed from the street or sidewalk, that which is visible to the eye.
 - (b) The discovery of evidence by the use of binoculars or other type instrument does not constitute a search
 - (c) A technical trespass does not vitiate a search, e.g. an open field, the outside of a building, etc.
 - (d) On private premises when the officer was admitted for a proper purpose, what he sees is not a search and it can lead to probable cause to secure a warrant or to make an arrest if a felony is being committed.
 - (e) When on private premises entered through execution of the law, such as when serving an arrest warrant

*NOTE ABANDONED OR SURRENDERED PROPERTY DOES NOT COME WITHIN THE SCOPE OF SEIZURE

(4) Results of an Illegal Search and Seizure

- (a) Any personal property seized by an illegal search must be returned to the person from whom the property was seized, except when the seized items are contraband or stolen goods.
- (b) Any person who can show a possessory interest in the premises or property can invoke the "exclusionary rule". Jones v. U.S. (362 US 257)
- (c) Officer's testimony on illegally seized evidence is also excluded.
- (d) When a search is reasonable, then items taken can be used in trial; when the search goes too far then seized items will be excluded.





Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

SEARCH AND SEIZURE (Continued) IV

SEARCH OF THE PERSON:

(1) Search by search warrant

*A person may be searched by an officer with a search warrant that has been properly issued by the court.

(2) Search incidental to a lawful arrest

*This is the area that encompasses the majority of our cases, both misdemeanors and felonies.

(a) The right to search incidental to an arrest is based on 3 grounds:

*To protect the officer against harm

*To deprive the prisoner of the potential means of escape

*To prevent the destruction of evidence

THE ARREST MUST BE LAWFUL, OR ELSE EVERYTHING THAT FOLLOWS IS VOID. If an arrest is used as a mere excuse to search, then the search is not valid.

(3) Who May Search

(a) When incidental to a lawful arrest, the arresting officer is the proper person to do the searching

(b) *Search of a vehicle under certain conditions when occupied by the person arrested lawfully can be made when incidental to the arrest. (This will be discussed under "Search of vehicles" in a subsequent bulletin)

(4) Time and Place of Search

(a) Search must follow arrest, not precede it.

(b) When property is inventoried after search at place of detention, evidence obtained is good and usable (Baskerville 227 F. 2d 454)

(c) When the person arrested takes property with him, then his property is subject to search

(d) The search may be delayed for some obvious reasons such as due to illness, or the search of a woman



BALTIMORE CITY POLICE DEPARTMENT



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

SEARCH AND SEIZURE (Continued) V

(5) Extent of the Search

- (a) The search of a person includes the physical person and those immediate surroundings that are part of the person.

*A package or case in the arrested person's hand

*Suitcases and handbags; Keys to train or bus depot lockers

- (b) Fingerprints and photographs can be taken

- (c) Body Cavities

*When arrest is made without probable cause and the search was by means of a stomach pump, the evidence is inadmissible.
(Rochin vs. California - 342 U.S. 165)

*When person arrested on probable cause and the arrested person placed narcotics in his mouth, arresting officers could use force necessary under the circumstances to retrieve the article and prevent the destruction of the evidence. (Espinoza 278 F. 2d 802)

(6) Extent of the Seizure

- (a) Items that relate to the crime may be taken from the person when he is searched.

*Examples: Copies of letters, documents, check books, telephone numbers on paper, forged identification papers, contraband and clothing, etc.

- (b) Instrumentalities of a crime, fruits of a crime and contraband, etc.

*There is no search or seizure when personal property is dropped to the ground during the search, interrogation or flight of person who is arrested or to be arrested.

(7) Search by Consent

- (a) If a person consents to a search, the search may then be conducted.

*It is advisable to have the person to be searched read and sign a "written consent form"; however, the problem in this area is that later, the party searched may deny the voluntariness of this type of search and the burden of proving the absence of coercion will rest on the officer conducting the search. As a practical matter search by consent is difficult to obtain and "prove".





Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

SEARCH AND SEIZURE (Continued) VI

SEARCH BY SEARCH WARRANT

DEFINITION: A search warrant is a written order signed by any Judge of the Supreme Bench of Baltimore City, any Judge of any of the Circuit Courts in the counties of Maryland, any Municipal Judge of Baltimore City, or any justice of the peace in Maryland, directing any duly constituted policeman, constable or police officer to search a suspected individual, building, apartment, premises, place or thing, and to seize any property found liable to seizure under the criminal laws of Maryland, retain custody of it or otherwise dispose of it according to law.

IT MUST BE REMEMBERED THAT.....

There are constitutional and statutory provisions pertaining to search and seizure which the police officer must adhere to.

The 4th Amendment of the U.S. Constitution (Article IV) provides that the rights of people to be secure against UNREASONABLE SEARCHES AND SEIZURES shall not be violated and that warrants shall be issued only upon

(1) PROBABLE CAUSE (2) UNDER OATH OR AFFIRMATION (3) WITH PARTICULAR DESCRIPTIONS OF THE PLACE TO BE SEARCHED OR THINGS TO BE SEIZED.

Also, the Maryland Constitution (Article 26) (Declaration of Rights of 1867) provides that GENERAL WARRANTS without names or description ought not be granted and that warrants without oaths or affirmations are oppressive.

While evidence was not made inadmissible, at common law, in any criminal case, because it had been obtained through illegal search and seizure, STATUTES in most States accomplish what the constitutions do not, and thus limit the introduction into evidence of such items. More recently, THE U.S. SUPREME COURT decisions, including the case of MAPP vs OHIO (June 1961) place limitations on the admissibility of seized evidence in State as well as Federal courts. (Refer to Bulletin Volume #3 - #11)



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

SEARCH AND SEIZURE (Continued) VII

DO YOU KNOW THE REQUISITES OF A SEARCH AND SEIZURE WARRANT?

There are six (6) requisites, namely:

- (1) There must be PROBABLE CAUSE in writing and signed
- (2) Supported by OATH OR AFFIRMATION
- (3) Within the TERRITORIAL JURISDICTION OF THE JUDGE ISSUING IT
- (4) NAME or DESCRIPTION OF THE PERSON or PROPERTY/THING with reasonable particularity
- (5) Issued by ONE AUTHORIZED TO DO SO
- (6) EXECUTED WITHIN FIFTEEN (15) CALENDAR DAYS from date of issuance.
AFTER THAT TIME, THE WARRANT IS NULL AND VOID

THINGS FOR WHICH A SEARCH WARRANT MAY BE ISSUED:

- (1) Instrumentalities used in the commission of a crime
- (2) Fruits of a crime or contraband
- (3) Weapons which might be used to escape or to injure the police officer

*INSTRUMENTALITIES: Might include clothing worn during the commission of a crime, records, documents, papers, or anything in general use that is connected with the crime.

*FRUITS OF THE CRIME: Loot (stolen property, etc.) and anything from the crime that has been converted to another form.

*CONTRABAND: Anything the possession of which is unlawful, that is, burglary tools, etc. or lottery tickets, racing bet slips, betting pool slips or tickets. (When contraband is co-mingled with other goods and the owner refuses to separate, the whole lot is subject to seizure.)



Assist an Officer

HELPFUL HINTS FOR POLICE OFFICERS

SEARCH AND SEIZURE - Continued (VIII)

OBTAINING THE SEARCH WARRANT:

The application for a search warrant (affidavit) is made by the affiant who upon his information and belief has established probable cause to believe that a criminal law of this State is being violated.

The affiant must show reasonable grounds to believe what he states in the affidavit, and the facts and circumstances must be sufficient to cause a man of reasonable prudence to believe that the evidence sought is on the person or premises to be searched.

PROBABLE CAUSE IS MORE THAN A MERE SUSPICION, BUT LESS THAN A CERTAINTY, and the information does not have to be of the same quality or quantity needed to prove guilt at a criminal trial. Hearsay can be used.

PROPERTY TO BE SEARCHED OR PREMISES TO BE SEARCHED MUST BE DESCRIBED WITH REASONABLE PARTICULARITY.

EXECUTING THE SEARCH WARRANT:

The affiant with the proper and necessary assistance executes the search warrant. The affiant must be present when the warrant is executed for purposes of identification of the person or premises to be searched.

LIMITATIONS OF THE SEARCH WARRANT:

Search with the search warrant must be made within 15 days of issuance. The warrant is good for one search only and the search must be a reasonable one.

EXTENT OF SEIZURE:

Generally, you may only seize property named in the warrant, however, other items which may be seized include the fruits of crime, the means by which it was committed, and contraband material. (A search warrant is not authority for an arrest, and it does not give authority to search persons found on the premises, except those named in the warrant or participating in an unlawful act)

