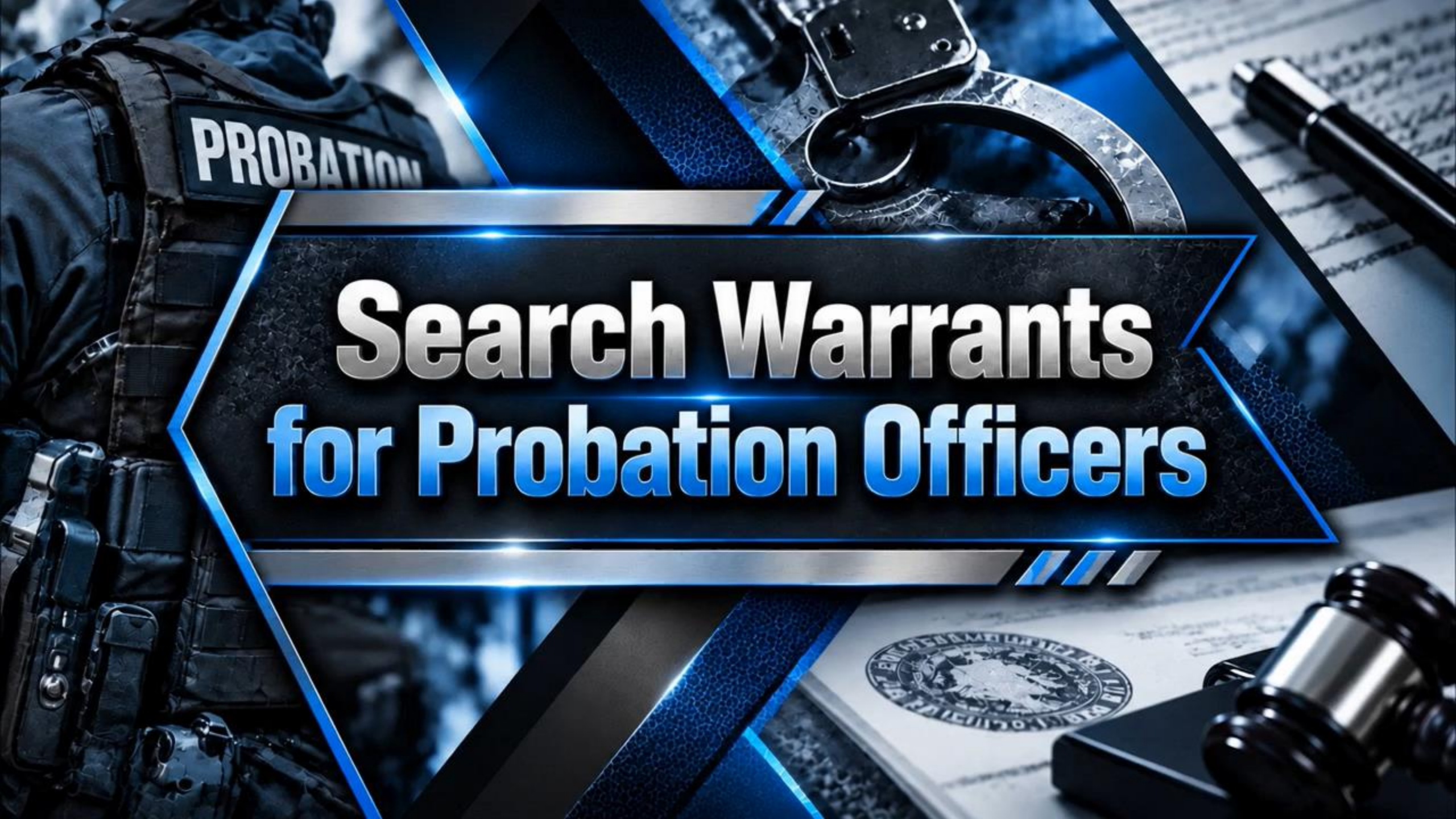
PROBATION
Search Warrants
for Probation Officers

INSTRUCTORS



PHONEXAY THIRAKOUNE
SUPERVISING PROBATION OFFICER



ALBERTO CORTES
SUPERVISING PROBATION OFFICER



RYAN ROGERS
SENIOR DEPUTY PROBATION OFFICER

SERVICE • JUSTICE • REHABILITATION

Fourth Amendment Right

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.

4th Amendment Exceptions



Consent Searches

4th Amendment Exceptions



Plain View Searches

4th Amendment Exceptions



Automobile Exception

4th Amendment Exceptions



Probation

Searches

4th Amendment Exceptions



Exigent Circumstances

4th Amendment Exceptions



Search Incident to Arrest

Failure to Establish an Exception will require a Search Warrant

WHAT IS A SEARCH WARRANT?

A search warrant is a court order issued by a judge authorizing law enforcement to search a specific **location, person,** or **item** for evidence identified in the warrant.

ELEMENTS OF A SEARCH WARRANT

01 | PROBABLE CAUSE

02 | SUPPORTED BY OATH OR AFFIRMATION

03 | LOCATION REQUIREMENT

04 | ISSUED BY A JUDGE

05 | EXECUTED TIMELY

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06 | SCOPE AND EXECUTION

07 | TIME OF EXECUTION

08 | LOCATION, PERSON, PLACE OR ITEMS TO BE SEARCHED

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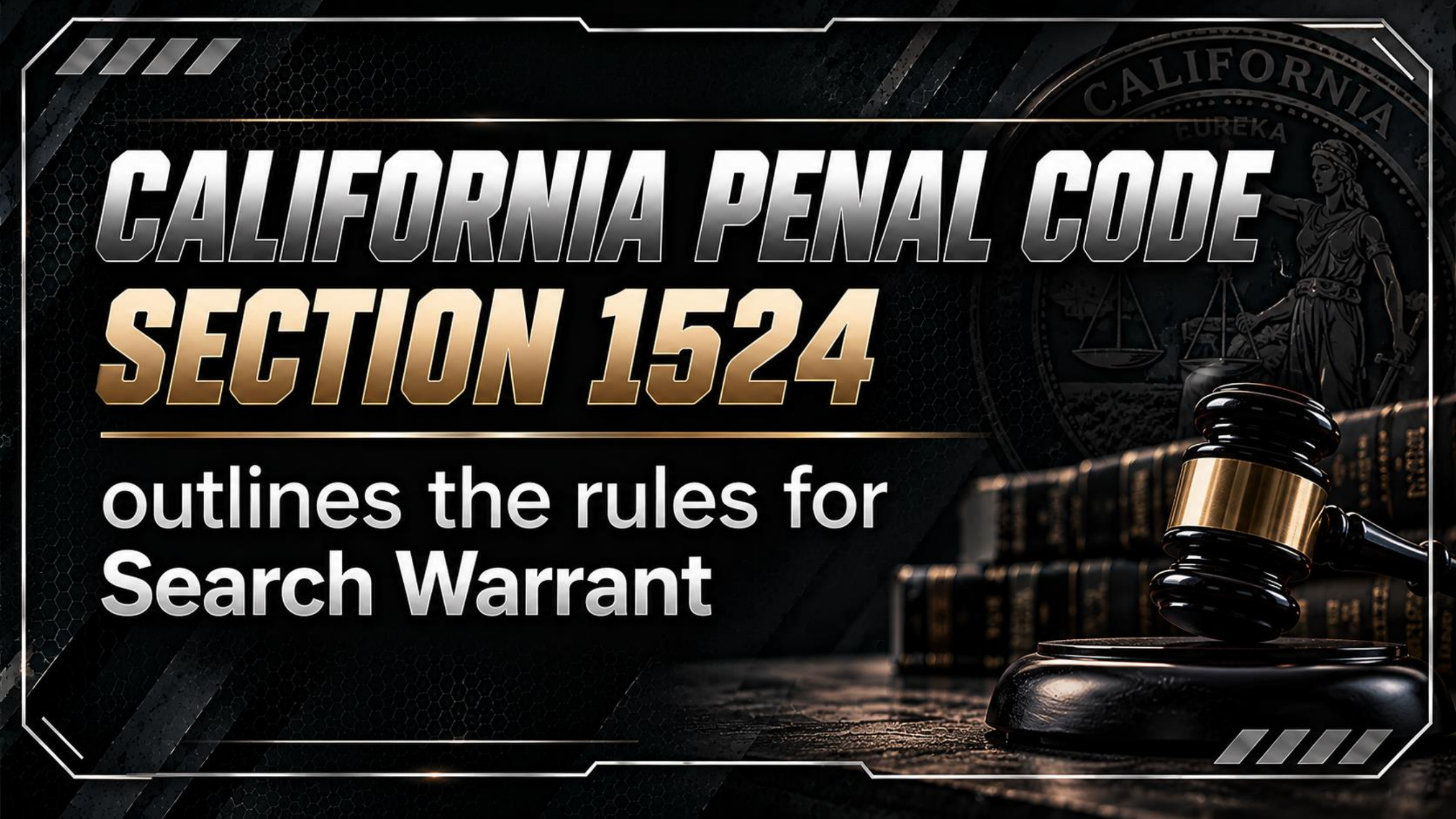
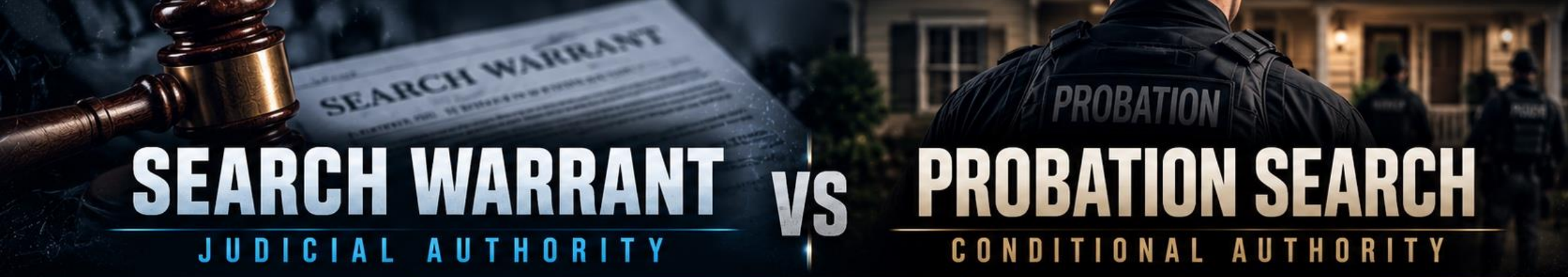
CALIFORNIA PENAL CODE SECTION 1524

outlines the rules for Search Warrant




HOW DO SEARCH WARRANTS DIFFER FROM PROBATION SEARCHES?
SEARCH WARRANT
SEARCH WARRANTS
PROBATION SEARCHES
VS
SEARCH WARRANT
PROBATION

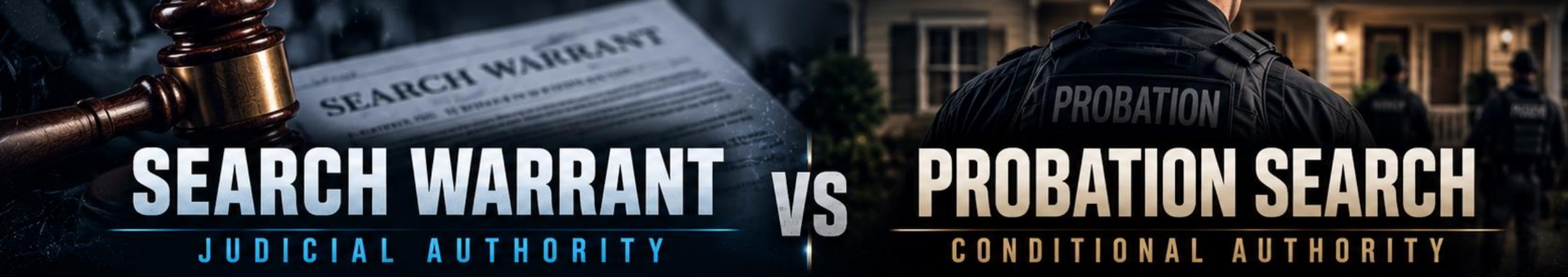


SEARCH WARRANT vs PROBATION SEARCH

JUDICIAL AUTHORITY

CONDITIONAL AUTHORITY

AUTHORITY	Warrant issued by a Judge	Valid probation search conditions



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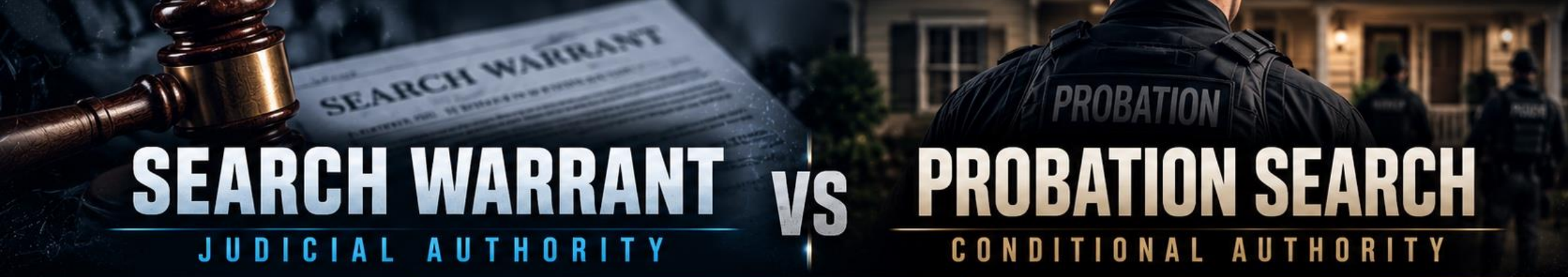

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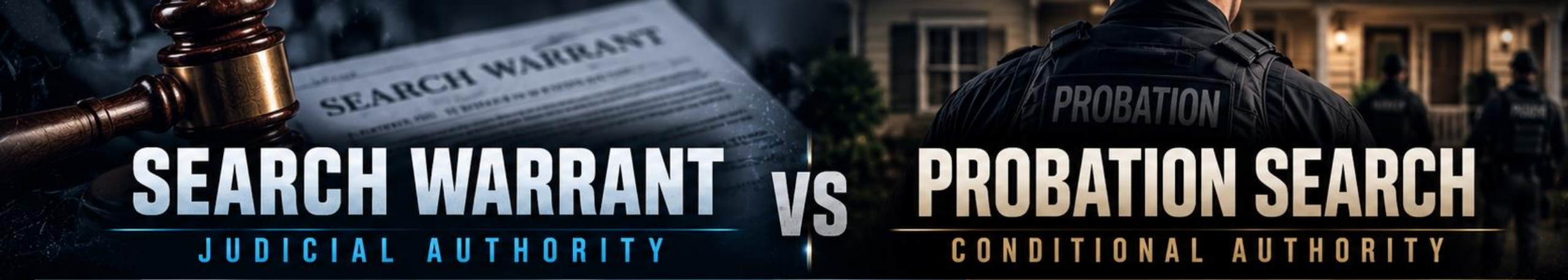

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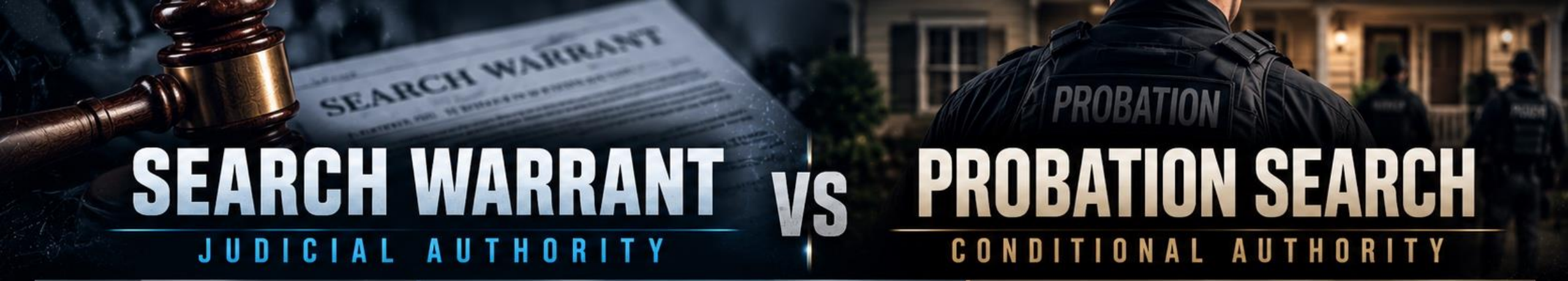

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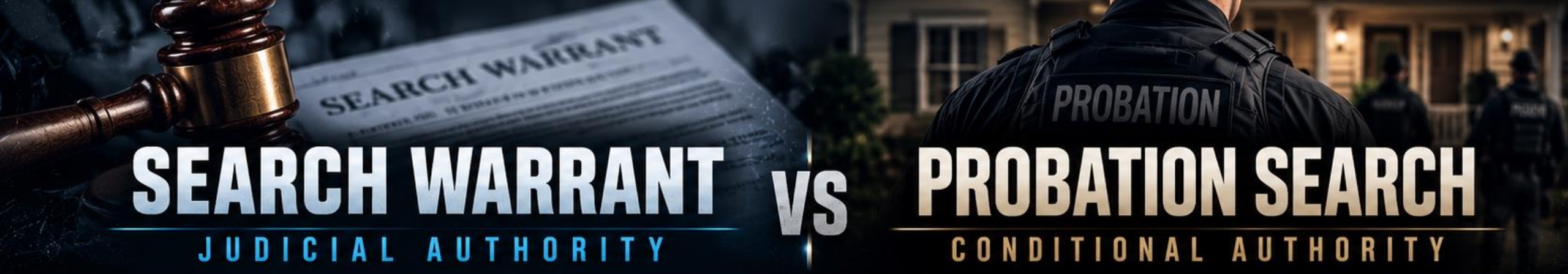

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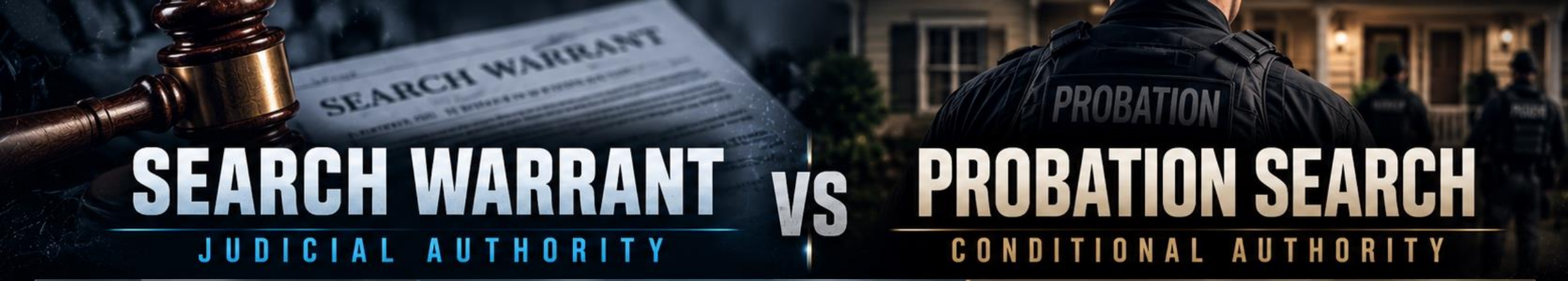

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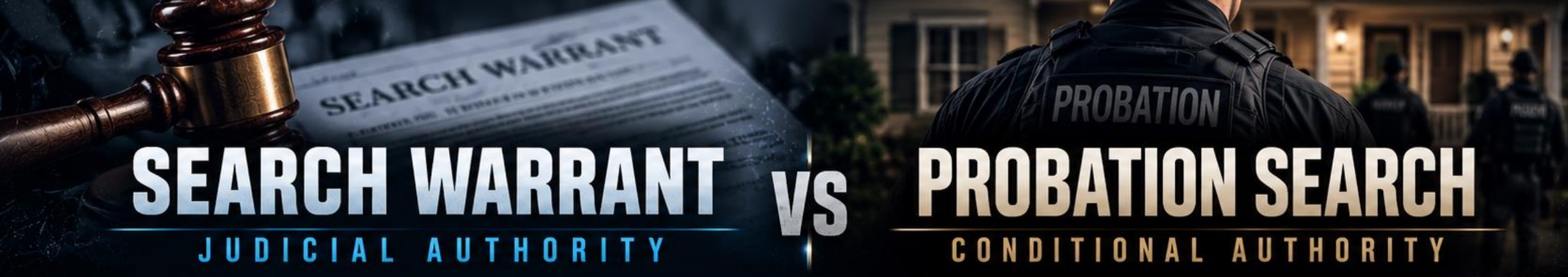

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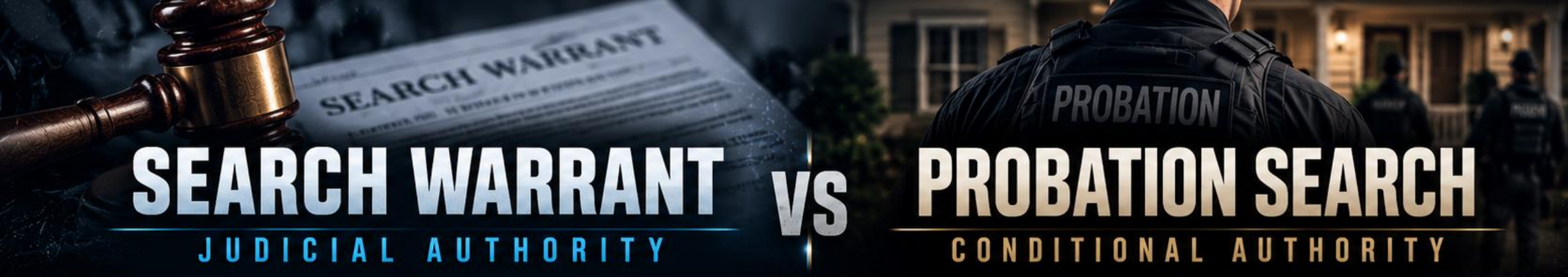

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PURPOSE	Search for evidence of crime/contraband	Compliance with conditions
MAJOR LIMITATION	Cannot exceed the warrant limits	Cannot exceed the search conditions

COMMON SITUATIONS REQUIRING A SEARCH WARRANT

PROBATION SEARCH EXAMPLE

The probationer was observed on social media brandishing a firearm. Based on this information, officers developed a plan to conduct a probation search of the probationer’s residence.

PROBATION SEARCH EXAMPLE

Under the probationer's search conditions, officers may search the probationer's bedroom, common areas, and any areas reasonably believed to be under the probationer's control. **The search does not extend to rooms, safes, or other areas known to be under the exclusive control of another person.**

PROBATION SEARCH EXAMPLE

What issues do we have here?

SEARCH WARRANT EXAMPLE

With a search warrant, officers are authorized to search the location identified in the warrant, including any areas where the specified items or suspected contraband may reasonably be located.

SEARCH WARRANT EXAMPLE

The items listed in the warrant define the scope of the search. This allows officers to thoroughly search the premises and locate and seize the identified contraband.

CELL PHONE SEARCH WARRANT EXAMPLE

The probationer is **arrested for narcotics possession,** and their phone is seized as evidence. Because the probationer **does not have an electronic (“E”) search condition, officers cannot search the phone without a warrant.** A search warrant may allow officers to obtain relevant data from the phone that could provide additional evidence related to the narcotics offense.

CELL PHONE SEARCH WARRANT EXAMPLE

The probationer has an **active felony warrant** and has **absconded from supervision.** Officers have a **valid phone number** for him; therefore, a **cell phone search warrant** may assist in identifying the probationer's current location or residence.

SOCIAL MEDIA SEARCH WARRANT

01 Obtain Data

IP Addresses, locations where probationer resides or where contraband maybe located



02 Obtain 3rd Party Information

from associates

03 Obtain More PC

to pursue a residential search warrant

04 Phone Numbers

and review conversations

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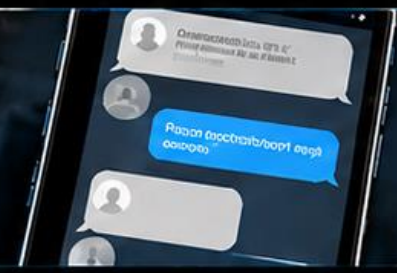

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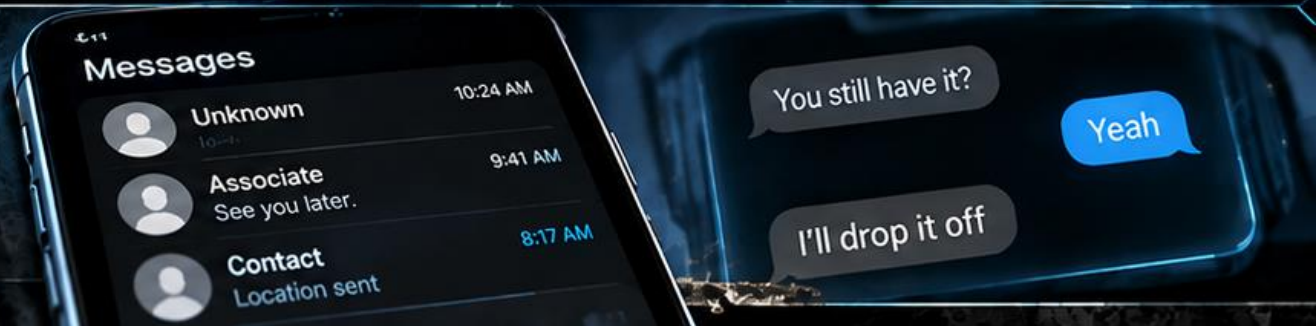

TAKEAWAYS



PROBATION SEARCH

Valid search condition

+

Areas under the probationer's control

SEARCH WARRANT

Judicial authorization

+

Areas specifically authorized by the warrant



HOW EFFECTIVE ARE SEARCH WARRANTS?


PROBATION
PROBATION
PROBATION

CONTACT INFORMATION

INSTRUCTOR CONTACTS

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ThirakouneP@SacCounty.gov

ALBERTO CORTES

CortesA@SacCounty.gov

RYAN ROGERS

RogersR@SacCounty.gov

AVAILABLE COURSES

01 INTRODUCTION TO SEARCH WARRANTS

02 SEARCH AND SEIZURE FOR PROBATION OFFICERS

03 VEHICLE SEARCHES

04 OPERATION PLANNING 101