

High Risk Writs

**Carl Eller, Lieutenant
Travis County Constable, Precinct 5**

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- 1701 Directors Blvd. Suite 530
- Austin, TX, 78744

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Introduction

- As peace officers, Texas constables play a critical role in executing court orders, including high-risk writs such as writs possession, executions, or attachments.
- High-risk writs require careful planning and execution to ensure the safety of all parties involved and compliance with legal procedures.
- This presentation outlines best practices.

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NEWS

Texas deputy was fatally shot at Houston intersection while driving to work, police say

Updated: Sep. 04, 2024, 9:38 a.m. | Published: Sep. 04, 2024, 9:34 a.m.

There are risks to merely being in law enforcement

Source: [lonestarlive.com](https://www.lonestarlive.com)

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Things can escalate quickly for constables and their deputies

us

Standoff With Man Who Refused Eviction, Threatened To Shoot Deputies Ends 'Peacefully' When SWAT Uses Force To Enter



Source: dailycaller.com

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You must account for your safety and the safety of others

Neighbors react to eviction that ended with 1 dead after man set himself on fire

Source: koko.com

Morris County sheriff: Constable hospitalized by teen while serving papers

Published: Mar. 6, 2024 at 6:16 PM CST | Updated: Mar. 6, 2024 at 9:55 PM CST

Source:kltv.com

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Bees unleashed in attack on deputies during eviction enforcement, Hampden County sheriff says

Rorie Susan Woods, 55, of Hadley, faces charges including assault and battery

Share   

WCVB 

Updated: 7:15 PM EDT Oct 19, 2022

Infinite Scroll Enabled 

Bystanders can also pose a threat



Source: wcvb.com

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What sort of risks have you experienced?

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Understanding High-Risk Writs

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Definition

High risk writs involve situations where there is a heightened potential for conflict, resistance, or violence.

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Examples

- Writs of possession (evictions)
- Writs of execution (seizure of property)
- Writs of attachment (taking custody of a person or property)

In each of these situations, you're interacting with someone who may be at one of the lowest emotional points in their lives. There's a danger they may act unpredictably.

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Key Legal Responsibilities

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Ensure that writs are valid and properly issued by the court

- When there are questions about the propriety of the order, like whether too much time has elapsed between the court order and the writ, it is utterly appropriate to ask the court for clarification.
- Ultimately, facially valid writs must be executed.

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TEXAS CIVIL PROCESS FIELD GUIDE

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Maintain impartiality and professionalism throughout the process

- Helps prevent the situation from escalating.
- Prevents you from being perceived as biased, discriminatory, or unjust.
- Protects the integrity of the judicial process overall.

If you act respectfully, you avoid the risk that you are inadvertently escalating the situation.

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Risk Assessment

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Gather intelligence on the location and individuals involved

- Have there been prior threats against law enforcement?
- Are there innocent parties at the location, like dependent adults or children, that you need to plan for?
- Are there dogs or other animals you have to account for?

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Identify potential risks such as weapons, aggressive behavior, or third-party interference

Is there a history of weapons use?

Have they made threats against law enforcement before?

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**Collaborate with
other local law
enforcement
agencies, if necessary.**

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**What are the ways in which you assess
writs you are about to serve?**

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Team Coordination

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Assign roles and responsibilities to team members

- What are the various roles you have seen in your jurisdiction?

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Conduct a pre-operational briefing

- Objectives
- Legal Authority
- Safety Protocols
- Equipment and Tools
- Personal protective equipment (PPE)
- Communication Devices (radios, body cameras)
- Necessary documents and evidence collection tools

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Maintain a Calming Presence

- Honor the personal boundaries of community members by maintaining an appropriate distance. This promotes a sense of safety and response, reducing anxiety, while also ensuring the officer's safety.
- Officers should be mindful of their body language, facial expressions, movements, and tone of voice, keeping them neutral. Stay grounded and composed, avoiding emotional reactions, and choose words carefully.

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Execution of the Writ

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Approach and Engagement (1/2)

- **Secure the Perimeter:** Control all entry and exit points to prevent escape or interference if practical.
- **Verbal Commands & Compliance Opportunity:** Request voluntary compliance before forced entry.
- **Controlled Entry:** Utilize a tactical approach (e.g., breach-and-clear, shield formations) if forced entry is required.

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Approach and Engagement (2/2)

- **Controlled Entry:** Utilize a tactical approach (e.g., breach-and-clear, shield formations) if forced entry is required.
- **Use of Force Continuum:** Follow department policy and state law on necessary force application.
- **Rapid Control & Secure Subjects:** If resistance is met, swiftly detain individuals to prevent escalation.

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Announce Presence and Purpose Clearly and Professionally

- **Clear Commands:** Short, direct instructions to prevent confusion.
- **Crisis Intervention:** If dealing with emotionally disturbed persons (EDPs), use verbal de-escalation techniques.
- **Community Awareness:** If in a public area, control bystanders and media presence. Use supervisors to communicate with media if necessary.

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Be mindful of your choice of words

Show empathy by
saying things like”

“That must be hard,”

“Take a deep breath”

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Don't take the bait

- Individuals may try to provoke with insincere or offensive questions. Don't answer those questions. Instead, steer the conversation back to the present situation and focus on collaborating with the individual to address the issue at hand.

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What Are De-escalations Techniques That You Use?

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You can't help others if you aren't taking care of yourself

- It is stressful being a constable. Taking care of your own emotional wellbeing will give you the emotional strength to handle crises and remain calm.

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Legal Compliance

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Adhere Strictly to the Scope of the Writ

- Any evidence obtained outside the scope of a writ may be inadmissible for any future criminal prosecution.
- There's always a risk of liability if you go beyond what the writ empowers you to do.

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Document, document, document

- Document all actions taken, including time, location, and any incidents.
- If you didn't document something, it didn't happen, or didn't happen the way it was supposed to.
- Use your body cam and make sure that it captures everything you witness.

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Official Immunity (1/2)

An officer is not liable for damages resulting from the execution of a writ if he executes the writ in good faith and uses reasonable diligence in performing his official duties. Tex. Civ. Prac. & Rem. Code § 34.061.

An official acts in good faith if a reasonably prudent official, under the same or similar circumstances, would have acted in the same manner. City of Lancaster v. Chambers, 883 S.W.2d 650, 656 (Tex.1994).

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Official Immunity (2/2)

In executing writs, you are not tribunals to determine doubtful questions of fact. That's what judges are for.

You have a duty to levy on a writ of execution and you can be liable if you fail or refuse to levy, if the levy can take place. Tex. Civ. Prac. & Rem. Code § 34.065.

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Safety Protocols

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Maintain Situational Awareness At All Times (1/2)

- **360-Degree Security** – Constantly scan surroundings for threats from all directions.
- **Monitor Non-Verbal Cues** – Watch body language for signs of aggression, deception, or non-compliance.
- **Check Hands First** – Hands can conceal weapons; always assess them before anything else.

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Maintain Situational Awareness At All Times (2/2)

- **Avoid Tunnel Vision** – Stay alert to all elements, not just the primary subject.
- **Identify Cover & Escape Routes** – Know where to take cover or reposition if shots are fired.
- **Communicate Clearly & Constantly** – Use radios, hand signals, and verbal updates.

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Warning Signs of Potential Flight or Assault (1/2)

- Increased or heavy breathing
- Angling their torso away from you (to run)
- Targeted glances in certain directions (checking for avenues of escape)
- Avoiding eye contact, which could mean they are considering ways out of the situation
- The “1,000-yard stare,” a common appearance for people under the influence of drugs or alcohol
- Targeted staring at officer’s body or weapon

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Warning Signs of Potential Flight or Assault (2/2)

- Exhibiting facial tension like a clenched jaw
- Squaring, shrugging, or rolling of the shoulders (indicating tension building within the subject)
- Clenching hands into fists
- Body blading (angling the body away from an officer and moving one foot to the rear to the position from which most people launch an attack or indicating training in boxing or martial arts)
- Distracting or aggressive dialogue (trying to distract you or draw you in to legitimize an oncoming assault)

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Post-Service Procedures

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Reporting and Documentation

- Submit a detailed report to the court and your office, including photographs, video recordings, body cams, and witness statements, as necessary.
- Lawyers in court often emphasize any discrepancies in your report or your testimony, so do your best to maintain accuracy.

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Follow-Up

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Debrief the team to evaluate the operation and identify areas for improvement.

- **Debrief & Learn** – Discuss what went well and what needs improvement for future operations.
- What are the ways in which your team evaluates an operation?

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Address Any Complaints or Legal Challenges Promptly

Effective internal control mechanisms have an essential role to play, both from a preventative and reactive system, this includes:

- Professional and integrity standards;
- Ongoing supervising and monitoring; and
- Internal reporting and disciplinary mechanisms

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Scenarios

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Scenario One

- The judge issued a writ of possession against a home believed to be used for drug sales.
- How do you handle this?

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Scenario Two

- The judgment debtor is a sovereign citizen who denies the jurisdiction of the court to issue a judgment and a writ of execution.
- What steps do you take to enforce a writ of execution against him?

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Scenario Three

- The judge has issued a writ of possession against an elderly woman in a nursing home. This has received a lot of negative publicity, and there is concern that there will be a protest when the writ is executed.
- How do you execute this writ as safely as possible?

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Thank you

- Carl Eller, Lieutenant
- Travis County Constable, Pct.5
- carl.eller@traviscountytexas.gov
- 737-243-3337

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