

# High Risk Writs

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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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## There are risks to merely being in law enforcement.

- Source: lonestarlive.com

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.

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Things can  
escalate quickly  
for constables and  
their deputies.

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

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## **You must account for your safety and the safety of others.**

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

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

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### **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](https://www.kltv.com)

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**A Discussion**

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# Definition

**High risk writs involve situations where there is a heightened potential for conflict, resistance, or the propensity for 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)
- Unauthorized Occupant Removal (squatters)

In each of these situations, we'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.

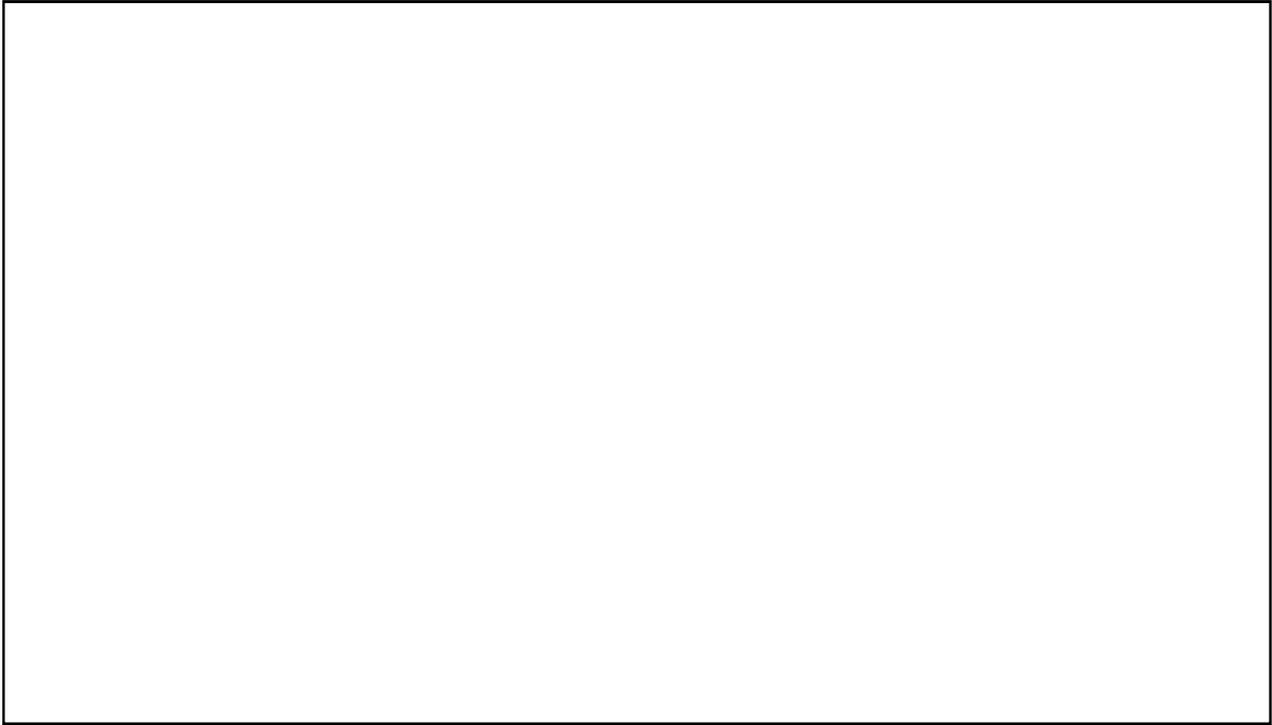
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## Maintain impartiality and professionalism throughout the process.

- 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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## 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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## **Actual Example 1 - Caution on Resident (1/2)**

[Received via email from a local police agency]

**JUNE 2025**

Officer Crump took a report this morning from a concerned neighbor of 2103 Delante St., regarding a sign posted on the front door alluding to potential violence should anyone attempt to get the resident (Dan Kucker W/M 11/01/1962) to leave his home. Apparently, he is set to lose his property due to unpaid taxes, and an auction is set for July 1st.

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## **Actual Example 1 - Caution on Resident (2/2)**

The neighbor's son recently observed the sign on the door that claimed Dan would not leave his residence without a shootout. Officer Crump did see a sign on the front door, but for obvious reasons did not attempt contact with the homeowner at this time. Furthermore, additional neighbors and acquaintances of Dan claim he owns over 100 firearms, and whether by assumption or through direct conversation with Dan (not able to verify at this time) they advise he is "not going to go down without a fight," and "Dan was either going to kill himself or commit suicide by cop."

An information report (25H20721) was generated, and a hazard was placed on the residence out of an abundance of caution. Please use caution if dealing with this

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## June 2, 2025, Use of Force Report Hurst, TX – Execution of Writ of Possession

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### USE OF FORCE REPORT (Continued)

#### SECTION 5 NARRATIVE (IF NO OTHER NARRATIVE HAS BEEN MADE)

3On Monday, June 2, 2025, at approximately 8:00 AM, Tarrant County Constable Precinct One Deputies [REDACTED] and [REDACTED], in marked squad vehicles and full uniform, arrived at 1200 Walker Dr, Hurst, TX 76053 to execute a County Writ of Possession #2025-002090-1. Notice of this writ had been posted on the door on Thursday, May 29, 2025.

Prior to arrival, I, [REDACTED], was informed by the plaintiff, Selman, that the defendant, Guy Kessinger Jr., had previously made verbal threats toward the plaintiff and her family. Additionally, I was advised that Kessinger was in possession of several firearms.

Upon arrival, I knocked loudly on the door and verbally identified ourselves as Deputy Constables, but received no response. No vehicles were observed in the driveway. A locksmith, hired by the plaintiff, drilled the deadbolt and successfully opened the door.

Deputy [REDACTED] and I drew our firearms as a precaution while entering the residence, loudly identifying ourselves again as Deputy Constables. At that moment, a white male emerged from the hallway. I observed his hands were down and appeared to be fumbling with something in his pocket. Both Deputy [REDACTED] and I pointed our firearms at the individual, who verbally identified himself as Guy Kessinger Jr.

I issued loud verbal commands for Kessinger to display his hands, which he complied with. As I approached to handcuff him for officer safety, Kessinger simultaneously reached for a handgun in his rear right pocket. I was able to use empty-hand control to grab Kessinger's right hand and wrestle the firearm away from him. Deputy [REDACTED] gained control of Kessinger's left arm. I applied an arm bar and took Kessinger down onto a nearby couch. While maintaining control of his right wrist and with [REDACTED] controlling his left arm, I successfully handcuffed Kessinger. Deputy [REDACTED] then double-locked the handcuffs.

A search of Kessinger's person revealed a loaded .380 Ruger in his right front pocket, which Deputy [REDACTED] removed. I unloaded and secured the .380, as well as a 9mm Taurus found on the floor (which was the gun we wrestled over), I also unloaded and secured. These guns were confiscated by Hurst PD.

Hurst Police Department Corporal M. [REDACTED] arrived on scene and took Kessinger into custody under Hurst service number #HPD-25-01355

Additionally, I took possession of the following items:

- Ruger 5.7x28 handgun, serial #642-34306 (Invoice #8)
- Aero Precision M4 short-barrel rifle, serial #0039528 (Invoice #9)
- One box of assorted ammunition containing:
  - o123 rounds of .223 caliber
  - o25 rounds of 9mm
  - o127 rounds of 5.7x28 (Invoice #10)

All listed firearms and ammunition were transported to the Precinct 1 office, properly tagged, and secured in the office safe for safekeeping.

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Is there a history of  
weapons use?

Have they made  
threats against law  
enforcement before?

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What are the ways in which you assess  
writs you are about to serve for the potential  
of danger or violence?

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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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## What Are De-escalations Techniques That You Use?

- ✓ active listening
- ✓ empathy
- ✓ maintaining a calm demeanor
- ✓ avoiding confrontational language
- ✓ giving individuals space
- ✓ using non-threatening body language
- ✓ seeking to understand the other person's perspective.

Law Enforcement is stressful.

Taking care of your own emotional wellbeing will give you the emotional strength to handle crises and remain calm.

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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).

Good faith, CPRC §7.003(C)

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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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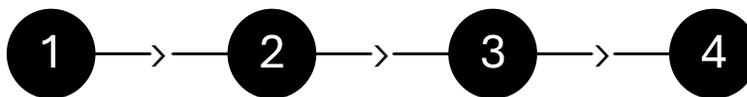
**360-Degree Security** – Constantly scan surroundings for threats from all directions.

**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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**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.

**Contact and Cover Principles**

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

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.
  - Return of Service.
  - Information/Incident Report, if applicable.
- 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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## Reminder:

**Complacency** is the mindset where you become comfortable with an existing situation and stop looking for potential hazards.

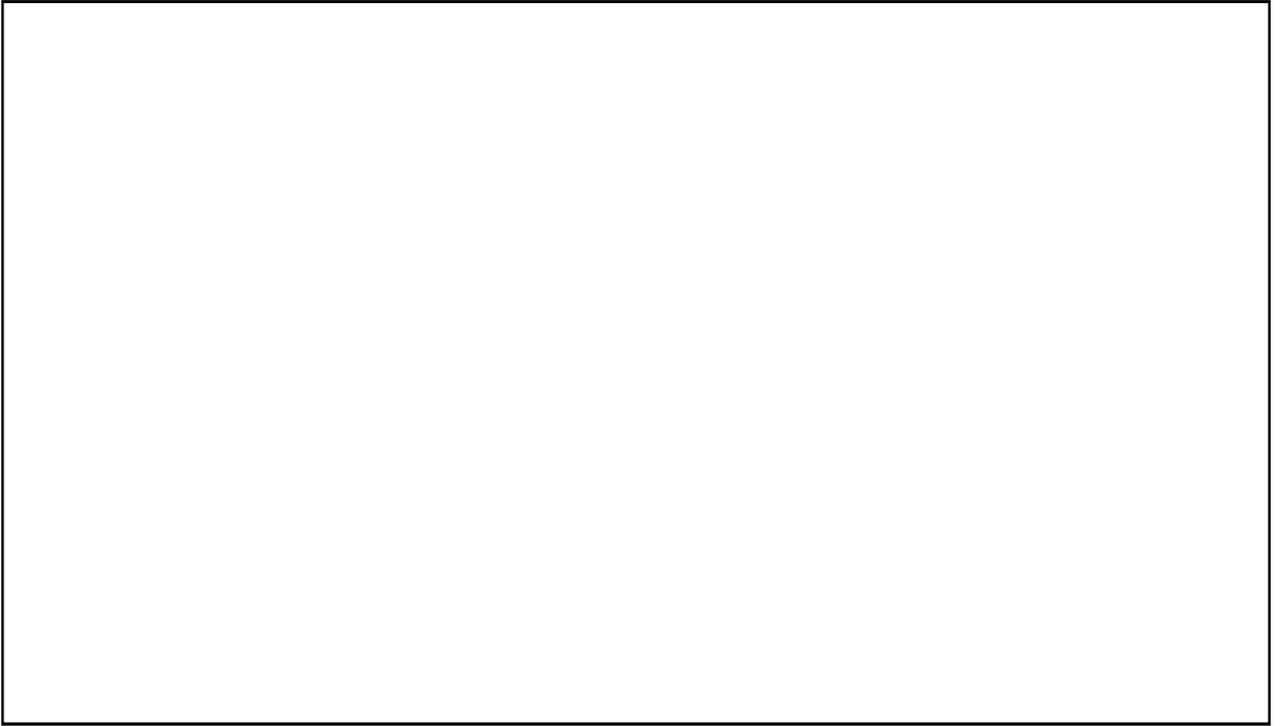
- Familiar, routine, and repetitive tasks that don't require active problem solving;
- Long track record where nothing has gone wrong;
- Could develop a false sense of security;
- Being less attentive.

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