

	STANDARD OPERATING PROCEDURE <small>State Form 39870(R/S-06)</small>	<small>Reference Number</small> INV-019
	<small>Subject</small> Intercept Warrant Application	
	<small>Special Instructions</small> Replaces INV-019 dated March 1, 2015	<small>Effective Date</small> April 4, 2024

I. PURPOSE

Establish procedures for requesting an Intercept Warrant Application pursuant to Indiana Code 35-33.5.

II. POLICY

Department employees shall follow prescribed procedures when requesting an Intercept Warrant Application.

III. DEFINITIONS

A. INTERCEPTION –for purposes of IC 35-33.5 is defined at IC 35-31.5-2-176

IV. PROCEDURE

A. Any Requests for an Intercept Warrant Application

1. Shall be submitted to the Commander of the Special Investigations Division (SID) Commander or designee.

2. Notification will be made to the Drug Enforcement Section Technical Services Unit (DES TSU) that such a request has been made and is currently under review. The SID Commander or Chief Counsel, or their designee(s), will notify the Superintendent on applications from other law enforcement agencies.

3. In situations where a warrant intercept is being sought by another agency, the DES Commander will assign a supervisor to serve as a liaison to assist in facilitating the intercept review in accordance with this policy.

4. The SID Commander and the Chief Counsel, or their designee(s), shall analyze the case and tentatively determine that all criteria of IC 35-33.5-2-2 (a)(2)-(6)(c) have been fulfilled. This criterion shall include:

- a. Facts establishing probable cause that a designated offense has been, is being, or may be committed;
- b. A description of the nature and location of the facility, place, or device from which communication is to be intercepted;
- c. The identity, if known, of the person allegedly committing the designated offense whose communication is to be intercepted;
- d. A description of the type of communication(s) to be intercepted;
- e. A statement specifying that other investigative procedures:

- (i) Have been tried and failed; or
- (ii) May not succeed or are too dangerous to attempt;
- f. A statement of the duration necessary for the interception. However, if the applicant requests that the authorization for the interception not automatically terminate once the described type of communication is initially obtained the application must also include a description of facts supporting the belief that additional communication of the same type will occur.
- g. A statement of facts and any action taken by the court concerning any previous application for a warrant or an extension that:

- (i) Has been made to a court under this article;
- (ii) Sought to obtain communications from any of the same person, place, or facilities as the current application; and
- (iii) Is known to exist by the persons making the current application.

h. If it is reasonably necessary to make a secret entry upon private property to install an interception device, a statement describing the following:

- (i) The private property;
- (ii) Who owns and who occupies the private property; and
- (iii) The reasons necessitating a secret entry.

5. In addition to the information required above, if an application is for an extension, the application must contain a statement setting forth the results obtained from the original warrant or a reasonable explanation of the failure to obtain results under the original warrant.

6. An application, affidavit, and request for warrant will only be submitted following approval of the Chief Counsel and Superintendent.

a. Requests within the Department shall be submitted by the Chief Counsel, or designee, to the Superintendent for final approval.

7. The court may require an applicant to furnish additional testimony or evidence in support of an application.

8. Once granted, the court order(s) will be immediately forwarded to the TSU for implementation.

9. TSU will keep the SIC Commander and the Chief Counsel, or their designee(s), apprised of intercept activations and de-activations.

10. All personnel must attend minimization training on each court ordered intercept.

a. Training shall be completed prior to monitoring, entering the intercept room, or any other area where intercept information is readily available.

11. The TSU will be responsible for creating an in-house numbering system to store and track all intercept orders, requests, and recorded communications securely. The recorded communications shall be kept for a minimum of 10 years. After 10 years, the court ordering the intercept shall be petitioned by the Chief Counsel to determine the disposition of the recordings.

B. This procedure will be used in conjunction with state and federal law, with all relevant Department regulations, rules, policies, and procedures.