

# Legal standpoint



Legal Standpoint of the of the Concerned January 17, 2009

### Legal Standpoint

In the law and order situation under consideration, a range of legal and ethical issues and challenges are involved. The issue not only calls for a prompt and timely intervention, but also consideration of the scope for violence implicit in this particular scenario, this requires much caution and ethical appropriateness.

Obviously in the given scenario, before soliciting a warrant for search and seizure of the contraband mentioned by the informer, it is a must to ascertain the credibility and veracity of the information delivered by him. Once this is done, I will apply for a search and seizure warrant to search Jojo Ross' premises, before an appropriate authority. This will be done by me in accordance with the Rule 41 of the Federal Rules of Criminal Procedure, dealing with search and seizure (Cornell University Law School, 2012: Online). I will submit an affidavit under oath before the competent authority who will issue the search and seizure warrant against Jojo Ross. While doing so I will present my informer who extended to me the lead regarding Jojo Ross' drug business as a witness before the warrant issuing authority. This will not only bolster my claim for a search and seizure warrant against Jojo Ross, but will also help me assure that the tip given by the informer is honest and correct to his knowledge.

The most important thing in this scenario is that as per the informer, Jojo Ross is armed and watchful and is capable of disposing of the drugs he has at a short notice. So, as such, Jojo Ross is not an immediate threat to anybody's life. However, once the warrant is procured, the search and seizure operation, if not properly planned and executed, may jeopardize the

life of Jojo Ross, the police team conducting the raid and other people in the house and its vicinity. I believe that the most important thing for a law enforcement officer is to respect life as far as possible. To respect life means to fear the earthly and divine authority.

“ The fear of Lord is the fountain of life, turning a man from the snares of death. (Proverbs14: 27)”

Hence, it will be crucial for me to plan the timing of the intended raid when Jojo Ross is least prepared and alert (Rutledge, 2001). The Federal Rule 41 on Search and seizure says to execute the warrant during the daytime, unless the judge for good cause expressly authorizes execution at other time (Cornell University Law School, 2012: Online).” So I will request the warrant issuing authority to allow for a late night execution, to avoid unwanted violence and loss of life.

I have a firm conviction that if everything goes according to the plan, I will be able to search Jojo Ross’ premises without causing any trouble, and, if possible, seize the drugs stashed by him and arrest him.

#### References

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