

STATE OF CALIFORNIA COUNTY OF SANTA CRUZ
SEARCH WARRANT AND AFFIDAVIT
(AFFIDAVIT)

Santa Cruz Police Officer **Brian Warren** being sworn, declares under penalty of perjury that the facts and information contained within this Search

Warrant and Affidavit and the attached and incorporated **Statement of Probable Cause**, are true and correct and on the basis of these facts and information, he/she has probable cause to believe and does believe that the property described below is lawfully sizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, Affiant requests that this Search Warrant be issued.

NIGHT SEARCH REQUESTED: YES [] NO [X]

(Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF SANTA CRUZ: proof by Affidavit having been made before me by **Brian Warren**, that there is probable cause to believe the property described therein may be found at the location(s) set forth herein and that it is lawfully (Signature of Affiant) sizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

- [] was stolen or embezzled
- [x] was used as the means of committing a felony
- [x] is possessed by a person with the intent to use it as a means of committing a public offense, or is possessed by another to whom he/she may have delivered it for the purpose of concealing it or preventing its discovery,
- [x] tends to show that a felony has been committed or that a particular person has committed a felony
- [] tends to show that sexual exploitation of a child, in violation of P.C. Section 311.3, has occurred or is occurring:
- [] tends to show that the possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of P.C. Section 311.11, has occurred or is occurring.

YOU ARE THEREFORE COMMANDED TO SEARCH: ██████████ Plateau-The rear detached converted garage.

FOR THE FOLLOWING PROPERTY:

See attached **Addendum 1-6**.

AND TO SEIZE IT, IF FOUND, and bring it forthwith before me at this court, or to any other court in which the offense in respect to which the property or thing taken is triable, or retain such property in your custody, subject to the order of this Court pursuant to Section 1536 of the Penal Code. This Search Warrant and incorporated Affidavit was sworn to and subscribed before me this 16th , **day of** October , **2016**, at **A.M./P.M.** Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

(JUDGE OF THE SUPERIOR/)

NIGHT SEARCH APPROVED: Good cause having been shown: YES [] NO []

(JUDGE OF THE SUPERIOR/)

Prepared with the assistance of or reviewed by:

 ADA Tara George
(ASSISTANT DISTRICT ATTORNEY)

SEALING ORDER

IT IS HEREBY ORDERED, that this entire Search Warrant and Statement of Probable Cause / Affidavit be sealed because disclosure could irretrievably harm the ongoing criminal investigation. In accordance with California Rules of Court Rule 243.1(d), this court finds that:

- There exists an overriding interest that overcomes the right of public access to the record;
- The overriding interest supports the sealed record;
- A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- The proposed sealing order is narrowly tailored;
- No less restrictive means exists to achieve the overriding interest.

Addendum 1

Dominion and Control (Indicia of Ownership)

Any items tending to establish the identity of persons who have dominion and control of the location, premises, automobiles, or items to be seized, including delivered mail, whether inside the location or in the mail box/s, bills, utility bills, telephone bills, miscellaneous addressed mail, personal letters, personal identification, purchase receipts, rent receipts, sales receipts, tax statements, payroll check stubs, keys and receipts for safe deposit box(s), keys and receipts for rental storage space, keys and receipts for post office box or mail drop rentals, ignition keys, car door and trunk keys, vehicle ownership certificates or "pink slips," and/or vehicle registration slips, recordation of voice transmissions on telephone answering machines, audio tapes and telephone message receipt books, and written phone messages, and photographs tending to show occupation of the residence / business and connection between co-conspirators, whether identified, or unidentified, also digital pagers which will document telephone numbers of co-conspirators, and if found, to activate the digital pagers' display mechanism and to obtain messages from the pagers, answering machines, tape recorders, and any other recording devices, and to play such devices to obtain their messages. Any examples of handwriting including letters, address books, business records, canceled checks, notes, and/or lists.

Addendum 2

All electronic data processing and storage devices, cellular telephones, computers and computer systems, such as central processing units, internal and peripheral storage devices such as fixed disks, internal and external hard drives, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, dongles, encryption keys, personal data assistants (PDA's) or other memory storage devices; and any/all peripheral input/output devices such as keyboards, printers, video display monitors, optical readers and related communication devices such as modems, associated telephone sets, speed dialers, and/or other controlling devices, plotters, software to run programs, connecting cables and plugs, peripherals such as joysticks, mice, or other input devices, scanners, writing pads, manuals, connecting switches, telephones and telephone cables, and interface devices; system documentation, operating logs and documentation, software and instructional manuals. Computing or data processing software, stored on any type of medium such as: hard disks, floppy disks, CD-R's, CD-RW's, DVD's, cassette tapes, or other permanent or transient storage medium.

Any records, whether stored on paper, on magnetic media such as tape, cassette, disk, diskette or on memory storage devices such as optical disks, programmable instruments such as telephones, "electronic calendar/address books" calculators, or any other storage media, together with indicia of use, ownership, possession, or control of such records.

Any written or computer communication in printed or stored medium such as E-Mail and Chat Logs whether in active files, deleted files or unallocated space on the hard drive, floppy drive or any data storage media.

Search of all of the above items is for files, data, images, software, operating systems, deleted files, altered files, system configurations, drive and disk configurations, date and time, and unallocated and slack space, for evidence.

With respect to computer systems and any items listed above found during the execution with this Search Warrant, the searching Peace Officers are authorized to seize and book said computer systems and any items listed above and transfer them to a Law Enforcement Agency location prior to commencing the search of the items. Furthermore, said search may continue beyond the ten-day period beginning upon issuance of this Search Warrant, to the extent necessary to complete the search on the computer systems and any items listed above.

Addendum 3

Any diaries or journals written or in the possession of Sean Arlt.

Addendum 4

Any vehicle that is in the custody or control of **Sean Arlt** as evidence by ignition keys, or car door keys, or vehicle ownership documents in his/her possession, or on his/her person, or under his/her dominion and control, or by statements of witnesses, or any vehicle within the garages, grounds, or storage areas to be searched. Such search shall include containers of any kind within the vehicle.

The purpose of search any vehicle in the custody or control of Arlt is to search for any of the other listed items in the attached Addendums (medication, diaries, narcotics, electronic storage devices, indicia etc...). Based upon my training and experience I know that people will often keep personal items, such as those listed, in their vehicles.

Addendum 5

Any records of medical visits, medical treatment, diagnostic test results, medical billings, medical diagnosis' and medical directives from medical professionals, counselors, and therapists in the name of or possession of Sean Arlt. Any business cards, referrals, or literature which would help identify Sean Arlt's treating medical professionals or locations of treatment.

Addendum 6

Narcotics, dangerous drugs, marijuana, and paraphernalia related to the use and/or sale of such substances such as, hypodermic syringes, hypodermic needles, eyedroppers, spoons, cotton, milk sugar, scales, and other weighing devices, balloons, condoms, paper bindles, measuring devices, badges, pips, cutting agents, and testing kits, firearms and other weapons, as well as large sums of cash.

Amphetamine/Methamphetamine; paraphernalia commonly associated with the possession, packaging and/or sale of Amphetamine/Methamphetamine such as scales, weighing devices and measuring devices, packaging materials including paper bindles, glass vials and plastic baggies, foil, sifters, filters, screens and cutting agents, recordation of the purchase and/or sales of Amphetamine/Methamphetamine including ledgers, notebooks, pay/owe sheets, personal phone books, and personal photographs which document possession, sales and/or possession for sale of Amphetamine/Methamphetamine, firearms and/or other weapons, as well as large sums of cash.

Cocaine (described as a white, crystalline powdery substance); base form of Cocaine (Rock Cocaine); paraphernalia commonly associated with the possession, packaging and/or sale of Cocaine such as scales, weighing devices and measuring devices, packaging materials including paper bindles, glass vials and plastic baggies, foil, sifters, filters, screens and cutting agents, recordation of the purchase and/or sales of Cocaine including ledgers, notebooks, pay/owe sheets, personal phone books, and/or personal photographs which document possession, sales and/or possession for sale of Cocaine, firearms and other weapons, as well as large sums of cash.

Heroin; paraphernalia commonly associated with the possession, packaging, and/or sale of Heroin such as hypodermic needles, hypodermic syringes, eyedroppers, spoons, cotton, dilatants, blenders, sifters, filters, scales, weighing devices, measuring devices, balloons, condoms, paper bindles, plastic baggies and cellophane, recordation of the purchase and/or sales of Heroin, including ledgers, notebooks, pay/owe sheets, personal phone books, and/or personal photographs which document possession, sales and/or possession for sale of Heroin, firearms and other weapons, as well as large sums of cash.

Prescription medication

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Addendum 7

A subsequent follow up warrant will be written to seek judicial authorization prior to searching any seized electronic storage devices.

STATE of CALIFORNIA, COUNTY of Santa Cruz,
ATTACHED and INCORPORATED
STATEMENT OF PROBABLE CAUSE

Personally appearing before the court this 16th day of October, 2016, I, Detective Brian Warren, your Affiant, on oath, make complaint, depose and say that there is just, probable and reasonable cause to believe, and that I do believe, that there is now on the premises located at:

■ **Plateau Ave Santa Cruz CA 95060 the articles as described in this Statement of Probable Cause.**

Your Affiant states that the facts in support of the issuance of the search warrant are as follows:

Your Affiant, **Brian Warren** is at all times mentioned herein, as a sworn Police Officer for the City of Santa Cruz. Your Affiant has been a sworn Police Officer for the City of Santa Cruz since November 2006. During your Affiant's time in law enforcement, your Affiant has been assigned as a Patrol Officer and has worked in the Santa Cruz Police Department Downtown Unit , Santa Cruz Police Department Field Training Unit, Santa Cruz Police Department Taser Instructor, Santa Cruz Police Department Peer Counselor and is currently assigned as a Detective in the Santa Cruz PD Investigations division. Your Affiant has investigated crimes including sales and possession for sales of illegal narcotics, trafficking of illegal narcotics, brandishing of weapons, possession of weapons, assault with deadly weapons, stabbings, drive-by shootings, robberies, witness intimidation, attempted homicide and homicide.

Your Affiant has attended the following classes and courses related to police and gang investigation:
2006-07: POST Basic Police Academy, Gavilan South Bay Academy 880 hours

2008: DOJ Presumptive Analysis of Controlled Substance - SCPD 4 hours.

2009: Fingerprint Evidence, Latent Print First Responder Training- SCPD 4 hours.

2009: Basic Gang Awareness -Training SCPD 16 hours

2009: Drug Influence- SCPD 24 hours

2010: New and Emerging Drug Trends – CNOA Dublin 8 hours

2013: Field Training Officer- Napa 40 hours

2013: Central Coast Gang Investigators: Southern Hispanic Prison Gangs- Gilroy 8 hours

2013: Critical Incident Responder in Public Safety- Gilroy 8 hours

2013: Mental Illness Awareness Training- UCSC 8 hours

2015: Interview and Interrogation Training- 3rd Degree Communications 24 hours

2015: Working with Victims: Interviewing and Pretext Phone Strategies 8 hours- CSAIA

2015: Sexual Assault Investigations- Roseville 40 hours- CSAIA

2015: Chasing Cell Phones- Santa Clara County 8 hours- CNOA

2015: Robbery Training- Alameda County 40 hours- ICI

2015: Multidisciplinary Interviewing of Child Abuse Victims- 3rd Degree Communications 16 hours

2015: Homicide Investigations. Monterey County- 80 Hours- ICI

Purpose of Affidavit:

The purpose of this Search Warrant and Affidavit in Support thereof is to obtain judicial authority to search for the mentioned property listed in “**Addendum 1-6**” and for the property of [REDACTED] Plateau Ave in the City of Santa Cruz, California. [REDACTED] Plateau Ave is a single story single family residence with a tan stucco siding and white trim. The front door is brown wood with the numbers “[REDACTED]” in mosaic tile to the right of the door. The detached single garage/living unit is located on the east side of the residence. The single garage/living unit is accessed through a wooden gate that is approximately 6 feet tall.

Investigation:

On 10/16/2016 I was the on call Detective for the Santa Cruz police department. At approximately 0400 hours I was called at home by Santa Cruz police dispatch for an officer involved shooting. Upon arrival at the Santa Cruz Police department I attended a briefing in regards to the investigation. The investigation is still in progress and the officers reports are pending.

On 10/16/2016 at 0330 Santa Cruz Police officers were dispatched to [REDACTED] Chace St in the city of Santa Cruz for a report of a male adult pounding on front door. [REDACTED] Chace St is located at the northwest corner of Chase and Getchell. The front door faces south on to Chace St, while the back door is accessed via the driveway on Getchell St. The Reporting Party knows the subject has mental health issues and advised that all of his doors and windows are locked. The Reporting Party called back and updated Dispatch that the subject had moved to the back door of the residence. The Reporting Party advised that the subject was yelling that he wanted to “kill everybody”. The Reporting Party advised that a female tenant lives in their detached garage, that is accessed from the Getchell St side of the property. Four Santa Cruz Police officers responded to the 200 block of Chase

St to investigate the matter. Upon arrival at 0339 the Santa Cruz Police offices encountered Sean Arlt on the 300 block of Getchell St, which is to the north of the intersection of [REDACTED] Chace St.

The Santa Cruz Police department recently had a violent encounter with Arlt on 10/11/2016. Arlt was carrying two pens in his hand, holding them as if they were stabbing weapons. Arlt called the pens, "These are my two keys to heaven". Arlt turned one of the pens over to his father. Arlt maintained one of the pens in a grip similar to one might hold a knife or other sharp object. Arlt refused to follow the orders of the officers on scene who were trying to determine if he was a danger to himself or others. Arlt said, "This is my key to heaven; I want to go to heaven". It seemed to the officers on scene that all conversations with Arlt did not register with him. Officers tried to use control holds to restrain Arlt, but those failed to be effective. One Officer used his Taser on Arlt. The Taser did not have the desired effect on Arlt. A second application of the Taser was used on Arlt, but still it did not have the desired effect. The two officers on scene decided the safest approach was to hold Arlt down on the ground and wait for other officers to arrive to safely detain Arlt. It took six officers to safely secure Arlt in a patrol vehicle. Arlt was ultimately delivered to a mental health evaluation unit on a 72 hour 5150 Welfare and Institutions application. Information regarding Arlt's behavior was shared with all patrol officers for officer safety purposes.

Today when the Officers arrived they encountered Arlt on the Getchell street side of the residence. Officers on scene saw something being carried by Arlt. Arlt was found to be carrying a metal rake. In an effort to detain Arlt he was given verbal commands to drop the weapon. Arlt did not comply with the officers requests. Arlt was tased by two different officers but he still presented a threat to the officers on scene. Out of fear for his safety and the safety of his fellow officers safety Arlt was shot with by a Santa Cruz Police officer. Arlt died as a result of his injuries.

An interview with the Reporting Party revealed that the reporting party knows Sean Arlt. He has known Arlt since he was a child. Arlt and the Reporting Party's children grew up together and were friends. The Reporting Party knows that Arlt has struggled with mental health issues in the past. The reporting party tonight was present when Arlt was detained by the Santa Cruz police on 10/11/2016.

A brief interview was conducted with Arlt's father, [REDACTED] Arlt, by Santa Cruz Police Officer Elliott Rock #184. Rock told me the following- On 10/15/2016 Arlt was causing a disturbance in his detached living space. Arlt's father said that Arlt was last seen by him in the middle of the street. Arlt asked his father if he would go with him to purchase beer. Arlt's father told him that going to buy beer wasn't a good idea and Arlt replied by saying, "Good, it's not safe for you out there". Arlt walked off and Arlt's father returned to his house. Due to Arlt's erratic behavior Arlt's father locked all of his doors and windows because he did not want Arlt to disturb him or his wife. When they went to bed Arlt's father and mother both put in ear plugs to keep Arlt's loud disturbances to a minimum.

██████████ showed PO Rock the damage caused by Arlt. Two windows were smashed. One lap top computer was smashed and one guitar was smashed. ██████████ Arlt never heard Arlt smashing these items because he had the ear plugs in. But he knew that earlier in the day nothing was damaged in Arlt's living space.

Arlt has limited contact with the Santa Cruz police department. Prior contacts include:

On 07/17/2015 Arlt burst into the front door of 116 Seabright Ave #116. The occupants of that residence had met Arlt three days prior. The victim in that case didn't know Arlt all that well and never invited him to their home. The victim thought Arlt was either "high on drugs" or having a mental episode". The victim did not want to press charges against Arlt. This was documented under Santa Cruz Police case number 15S-06189.

On 10/10/2016 Arlt was reported as being unable to care for himself due to mental health issues by his mother ██████████ Smith. Smith stated that her son, Sean ARLT, suffers from a mental disorder (bi-polar) for which he refuses to take medication for. Smith reported that for the past couple days he has been very depressed due to recent breaking up with his girlfriend and has been acting erratic. Sean Arlt was contacted in his living area, which is a room off the back of the residence. Arlt told officers that he did not want to talk to the police and did not need any assistance. Officers asked Arlt if he felt like hurting himself for which he replied "no." Officers also asked Arlt if he felt like hurting others for which he also replied "no." The contact with Arlt revealed that he did not meet the criteria of 5150 W&I. Smith decided that she would try and take her son to the behavioral health unit for evaluation. Arlt later walked away from the hospital prior to receiving any treatment and a missing person's report was created. Arlt returned home later that morning and he was removed from the missing person's system.

Due to Arlt's previous violent encounters with law enforcement and his mental health history your affiant is asking to search the residence: ██████████ Plateau Ave Santa Cruz California 95060 and any vehicles for the listed items. The purpose of searching for diaries and journals is based upon my training and experience I know that people will often times document their lives in written form. Often time's people suffering from mental health illnesses will maintain journals and diaries detailing the thoughts and feelings that go through their minds. I know that these people will maintain these journals for years and years. The purpose of search any vehicle in the custody or control of Arlt is to search for any of the other listed items in the attached Addendums (medication, diaries, narcotics, electronic storage devices, indicia etc...). Based upon my training and experience I know that people will often keep personal items, such as those listed, in their vehicles.

Therefore, your Affiant wishes to search for all items listed in "**Addendum I-6**" which is attached hereto and incorporated by reference herein. Any electronic storage devices will be seized pursuant to this search warrant affidavit will be secured and a follow up search warrant will be sought seeking judicial authorization to search their contents.

Your Affiant further states, upon being sworn, that the facts presented in this affidavit are true and correct and based on the facts presented in this affidavit your Affiant request a search warrant is issued for the aforementioned residence, property, person(s), and vehicles. Wherefore, your Affiant request that the property described herein may be lawfully seized pursuant to Penal Code section 1524, and is now at the location set forth above.

Subscribes and sworn to, before me on

Date _____

Signature of Affiant

Signature of Magistrate
