Search Warrant Fundamentals (WEB)

Introduction

This course focuses on the most common questions from those new to search warrants. Students will learn how to get started writing a search warrant, the parts of an affidavit, and what happens after the search warrant is written and signed. Scenario-based interactions provide opportunities to practice with location descriptions, property descriptions, writing a statement of expertise, and recognizing a complete statement of probable cause.

Note: Prerequisite for POST's Institute of Criminal Investigation Core Course; prerequisite for POST's Institute of Criminal Investigation Gang Investigations Course.

Learning Objectives

The course will address the following learning objectives:

- Describe the purpose of a search warrant, and the advantages of using a search warrant over other methods of seizing evidence.
- Explain the steps in obtaining, serving and returning a warrant.
- List the main parts of an affidavit and the components that must be included in each section.
- Explain how the "hero statement", location description, and probable cause sections of an affidavit work together to give a judge the complete picture needed to grant a search warrant.

Content Outline

Module 1: Introduction

- Introduces the course and the overall process of writing and serving a search warrant. Describes the benefits of adhering to search warrant fundamentals.
- Defines the terms "search warrant," "affidavit," and "court order."

Module 2: How do I get started writing a search warrant?

- Identifies information an officer needs to get started writing a search warrant.
- Identifies questions to answer to write a search warrant, and items to gather in response to the questions including:

- o Physical description of suspect
- o Suspect's arrest history
- o Description of items to seize
- o Location description and photos
- o Preliminary and investigative reports and notes
- o Utility check/rental agreement
- o Suspect's vehicle information
- Learning Activity: Learner reviews a sample case of a sex crime suspect photographing children at a schoolyard. Participant matches information needed for a search warrant to the purpose it serves.

Module 3: What happens after I write a search warrant?

- Describes the process of how warrants are reviewed and evaluated for factual evidence by a judge. Articulates the most common reason that a search warrant is not signed, and the process for warrant resubmission.
- Learning Activity: Learner demonstrates the steps that a law enforcement officer takes after they finish writing the search warrant including proofreading, peer review, hard and soft copies, signing, and filing by dragging and dropping steps in the correct order.

Module 4: My search warrant is signed, now what?

- Describes recommended actions to take after the warrant is signed and filed including planning and conducting the search, booking the evidence, and filing the warrant return.
- Learning Activity: Learner demonstrates the recommended actions to take after the warrant is signed and filed including driving by the location, creating a tactical plan, having a tactical team meeting, and serving the warrant by dragging and dropping actions to correctly sequence recommended actions.
- Learning Activity: Learner demonstrates the steps to take after serving a search warrant including taking inventory, filing evidence into lockers, and the warrant return by correctly sequencing recommended actions.

Module 5: What are the parts of an affidavit?

- Describes the parts of an affidavit, including a location description, items to be seized, a statement of expertise, and a statement of probable cause.

Module 5-1: Location Description

- Lists suggestions for effective location descriptions including a complete address and description, unique building features, physical location on the block and use permanent features only.
- Learning Activity: Participant compares an effective and ineffective location description to determine the correct location for search and seizure. Learner demonstrates skill needed to compose an effective location description by identifying elements of pictures of houses which should be included in a detailed location description.

Module 5-1: Items to be Seized

- Defines property list fundamentals, including specificity, prioritization of evidence central to the crime, including the smallest possible items, personal items for dominion and control.
- Defines dominion and control and identifies items which establish the suspect's dominion and control over the location to be searched. Identifies best practices for "piggyback warrant" and how to proceed when finding critical, unexpected evidence.
- Learning Activity: Participant reviews the notes from a homicide case involving a shotgun and creates a prioritized list of items to be seized
- Learning Activity: Participant demonstrates an understanding of dominion in control by identifying from a list of items those that can be used to connect the suspect to the location being searched.

Module 5-2: Statement of Expertise

- Describes what goes into a statement of expertise including the officer name and current experience, years of experience, related investigations or experience and training.
- Learning Activity: Participants compose and review effective hero statements by entering their name, employment details, work experience, and training experience into fields to create a sample hero statement demonstrating their expertise.

Module 5-3: Statement of Probable Cause

- Describes what goes into a statement of probable cause including a statement of expertise, facts of the case, connecting statements, and a justification.
- Learning Activity: Learner reviews a sample case of a sex crime suspect photographing children at a schoolyard. Learner reviews each component of the statement of probable cause