Search Warrant Course

**Statement of Purpose:** The purpose of this course is to provide personnel with an overview and understanding of Search Warrants. Personnel will gain a comprehension of Search Warrant purposes, composition, execution, and return.

**Course Objectives:**
- Overview of the search warrant authority and definition
- Overview of California Penal Code sections and Case Law governing Search Warrants
- Overview of various types of Search Warrants
- Overview of best practices
- Explanation of the eWarrants process

I. Introduction
   A. Instructors
      1. Name and Agency Assignment
      2. Background
      3. Experience
   B. Course goals and expectations
      1. To provide students with an understanding of what a search warrant is
      2. To teach Patrol Officers and/or new Detectives when a search warrant is necessary
      3. To provide Patrol Officers and/or new Detectives the knowledge to prepare various search warrants
      4. By the end of the course, a Patrol Officer and/or new Detective will be able to draft a search warrant and explain the proper steps to execute and return a search warrant

II. Search Warrant Definition
   A. When a Search Warrant may be issued per 1524 PC
   B. Who can write and execute a Search Warrant
      1. Sheriff
      2. Policeman
      3. Peace Officer in the County of Sacramento
   C. Property described can be lawfully seized from a specific location when…
      1. It was stolen or embezzled
      2. It was used as a means of committing a felony
      3. It is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or
she may have delivered it for the purpose of concealing it or preventing its discovery.

4. It tends to show that a felony has been committed or that a particular person has committed a felony.

5. It tends to prove that sexual exploitation of a child, or possession of matter depicting sexual conduct of a person under the age of 18 years has occurred or is occurring.

6. An arrest warrant exists for the target of the search warrant.

D. Affidavit Elements

1. Hero Sheet
   a. State training and experience (conversations with experts and offenders count as experience)
   b. Succinct and relevant to case
   c. Hero Sheet writing exercise

2. Case Summary

3. Location to be searched (Legal description of residence/structure)
   a. Exercise: Have class describe the house shown on the screen or actual physical location

4. Description of items to be seized

E. Essential elements

1. Name of reviewing Deputy District Attorney
2. Signature of Magistrate

III. Procedures for getting a Search Warrant approved and signed

A. Review

1. Proof-read your own Search Warrant

2. Peer review

3. Supervisor review

4. Deputy District Attorney review

B. eWarrants

1. Account setup and Sign in
   a. Department email address
   b. Badge Number
   c. Agency ORI
2. Format
   a. Sealed portions/attachments submitted separately
   b. Signature tags

C. After Hours Search Warrant process
   1. Night Service/Contacting an on-call DDA and Judge

D. Warrant returns
   1. Inventory of items seized

IV. Special Considerations
   A. People v. Hobbs – Sealing portions of a Search Warrant
   B. Stale information: Freshening a Search Warrant
   C. SB 178: California Electronic Communications Privacy Act (Cal ECPA)
   D. Piggy-Back Warrants
   E. Specialty Warrants
      1. Social Media warrants
      2. Ring Camera warrants

V. Search Warrant Execution
   A. Site Verification
   B. Resources
   C. Operational Outline (IAP)
   D. Identify roles
   E. Evidence Kits
   F. Warrant copy and receipt to be left at scene