

# Sacramento Police Department

## 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

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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

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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