

Search Warrant Preparation Checklist

A judge would use this checklist as a guide to determine if a search warrant should be issued... Remember that the judge must make an independent, unbiased decision based on the information submitted.

All blocks, if applicable, must be checked for a valid search warrant.

Check	Required Elements
	A written affidavit for a search is submitted.

The affidavit contains:	
	Specific description of the person or premises to be searched
	Specific description of the items to be seized.
	Statement of the reasons supporting the request to search
	Signature of the affiant swearing to or affirming the affidavit
	Signature and title of the person authorized to administer oaths or affirmations
	Date of the oath or affirmation

The affidavit establishes probable cause to search:	
	The facts amount to substantial evidence that the place to be searched contains items connected with criminal activity

If hearsay information is supplied by an informer/third party, the affidavit establishes by substantial evidence *both* that::

The informer is credible or believable (veracity test) because:	
	the informer is a truthful person, or
	the informer has a particular motive or reason to be truthful about this information, or
	the information is sufficiently corroborated by other adequate, detailed, or trustworthy information,

and that:	
	the informer has a factual basis for the information provided (basis of knowledge test) because:
	the informer gathered the information in a reliable manner, or
	the information is based on the informer's personal knowledge or on reliable information received by the informer;
	or
	If there is a deficiency in the veracity or basis of knowledge of the hearsay, it is overcome by independent corroboration of the allegation of criminality, and not simply corroboration of innocent details.
	The information in the affidavit is sufficiently current to establish that probable cause exists now.

