Affidavit and Search Warrant Drafting Checklist

Purpose: This document is useful to ensure that search warrant drafts are accurate and include all required elements

**AFFIDAVIT AND SEARCH WARRANT DRAFTING CHECKLIST**

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| AGENCY NAME | CASE | DATE | COMPLETED BY |
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| **AFFIDAVIT** | | | |
| ☐ TRAINING AND EXPERIENCE IS OUTLINED IN A WAY THAT IS RELEVANT TO THE CRIMES BEING INVESTIGATED  ☐ AFFIANT'S BASIS OF KNOWLEDGE IS ESTABLISHED (I.E. FIRSTHAND, PASSED ON FROM SOMEONE ELSE, ETC.)  ☐ CRIMES ARE IDENTIFIED  ☐ PLACES TO BE SEARCHED ARE DESCRIBED WITH PARTICULARITY  ☐ REQUEST TO "SEARCH" AND "SEIZE" IS INCLUDED  ☐ STATEMENTS OF PROBABLE CAUSE RELATE THE EVIDENCE SOUGHT TO THE CRIME (I.E. COULD THE MAGISTRATE REASONABLY CONCLUDE THAT THE FACTS (WITH REASONABLE INFERENCES) ESTABLISH THAT SEIZABLE THINGS WILL PROBABLY BE FOUND AT THIS LOCATION?)  ☐ EVIDENCE TO BE SEIZED IS DESCRIBED WITH PARTICULARITY  ☐ WITNESS / INFORMANTS ARE NAMED AND THE BASIS OF THEIR KNOWLEDGE IS IDENTIFIED  ☐ INFORMATION IS "FRESH" AND JUSTIFIES THE ASSERTION THAT SEIZABLE EVIDENCE WILL BE PRESENT AT THE TIME OF THE WARRANT EXECUTION  ☐ IF NIGHTTIME SERVICE IS REQUESTED, EXPLANATION IS INCLUDED | | | |
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| **WARRANT** | | | |
| ☐ CRIME IS IDENTIFIED  ☐ LANGUAGE MATCHES AFFIDAVIT **EXACTLY**:  ☐ DESCRIPTION OF THE LOCATION / PERSON  ☐ DESCRIPTION OF THE EVIDENCE TO BE SEARCHED FOR AND SEIZED  ☐ DIRECTS TO "SEARCH AND SEIZE" (USING THOSE WORDS)  ☐ PERIOD OF TIME TO EXECUTE IS SPECIFIED  ☐ PERIOD OF TIME TO RETURN THE WARRANT IS SPECIFIED  ☐ AUTHORITY TO BRING NON-SWORN PEOPLE TO ASSIST WITH PROCESSING THE SCENE IS STATED | | | |
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| **SPECIFIC LANGUAGE TO INCLUDE** | | | |
| 1. Probable Cause  a. Based on the stated facts, I have probable cause to believe that the crime of [insert crime] has been committed and that evidence of this crime will be located at [insert location] in "all structures to include primary residence, outbuildings, as well as curtilage".  2. Premises  a. The premises located at [insert location] is described as follows [describe in detail]  i. House number  ii. Tax lot number  iii. Distinguishing features of the property and / or buildings | | | |

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| iv. Signage  v. Property layout  vi. Owners  vii. **Include a photo if possible** | |
| 3. Evidence  a. To search, seize, and the analysis thereof: [list evidence to be seized]  b. You are further commanded to open closed containers.  c. You are further commanded to subject substances seized to analysis.  d. I respectfully request that the court specifically authorizes [insert lead agency's name] to impound all abused and neglected animals located on the premises under [insert statute authorizing animal seizure in criminal case], with the understanding that [insert lead agency's name] may/will use other animal care providers as their agents to help fulfill their obligations under [list statute requiring minimum care for animals]. | |
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| **PROCESS** | |
| ☐ THE AFFIDAVIT AND WARRANT HAVE BEEN REVIEWED BY A PROSECUTOR FOR THE JURISDICTION.  ☐ COPIES OF THE AFFIDAVIT AND WARRANT MADE AND ORIGINALS PRESERVED FOR MAGISTRATE. | |
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| NOTES: | |
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| SIGNATURE: | DATE: |