

SUPERIOR COURT OF CALIFORNIA

County of _____

SEARCH WARRANT AFFIDAVIT

Affiant's name and agency: _____.

Place(s) to be searched: *[Insert description from search warrant].*

Evidence to be seized: *[Insert description from search warrant].*

Evidence type: The described evidence may be classified under Penal Code § 1524 as follows: *[Check one or more]*

- Stolen or embezzled property.
- Property or things used as a means of committing a felony.
- Property or things in the possession of a person with intent to use as a means of committing a crime, or in the possession of another to whom he may have delivered it for the purpose of concealment or preventing discovery.
- Property or things that are evidence that tends to show a felony has been committed, or tends to show that a particular person committed a felony.
- Property or things constituting evidence of sexual exploitation of a child (Penal Code § 311.3), or possession of matter depicting sexual conduct of a person under the age of 18 years (Penal Code § 311.11).
- Deadly weapon: The warrant authorizes a search for a deadly weapon in the following locations:
 - 5150: Premises that are occupied or controlled by a person who is in custody on a 5150 W&I hold.
 - Domestic violence: Premises that are occupied by, or under the control of, a person who was arrested for domestic violence involving threatened harm.
 - No firearms order: Premises that are owned or controlled by a person who is prohibited from possessing firearms pursuant to Family Code § 6389.

Statement of Probable Cause: *[Insert the facts upon which probable cause is based, or attach a separate Statement of Probable Cause signed under penalty of perjury and add the following: "The Statement of Probable Cause is attached hereto and incorporated by reference."].*

Special requests *[Delete inapplicable requests]*

Night Service: In accordance with Penal Code § 1533 and *People v. Kimble* (1988) 44 Cal.3d 480, 494, I hereby request authorization to execute this warrant at any hour of the day of night. The factual basis for this request is as follows: *[Insert facts]*

No-Knock Entry: In accordance with *U.S. v. Banks* (2003) 540 U.S. 31, 36, I hereby request authorization to execute this warrant without complying with the knock-notice requirements set forth in Penal Code § 1531 on grounds that compliance would be: *[Check one or more]* Dangerous Futile Result in destruction of evidence Impede this criminal investigation. The factual basis for this request is as follows: *[Insert facts]*

Sealing Order: In accordance with Evidence Code §§ 1040-41 and *People v. Hobbs* (1994) 7 Cal.4th 948, 962, I hereby request that the following be sealed pending further order of the court: *[Check one of the following]* The entire affidavit. The statement of probable cause. The documents described in Exhibit *[insert number or letter]* filed herewith]. A sealing order is necessary for the following reason(s): *[Delete inapplicable reason]*

Protect informant: For reasons set forth in the Statement of Probable Cause, this order is necessary to protect the identity of the person designated as *[X or other designation]* who is a confidential informant as defined in Evidence Code § 1041. The sealed information would disclose or tend to disclose the informant's identity. Disclosure would endanger the informant's life and end his or her ability to assist law enforcement.

Official information: For reasons set forth in the Statement of Probable Cause, this order is necessary to prevent the disclosure of "official information" as defined in Evidence Code § 1040, to wit: *[Check one or both]:* The information was obtained in the course of an ongoing criminal investigation and its disclosure would alert the perpetrator(s) to the progress and focus of the investigation. The information would reveal or tend to reveal the identity of *[delete inapplicable]* an undercover officer, a citizen informant, a confidential surveillance site, or the secret location of a VIN number.

Nondisclosure Order *[Delete inapplicable]*

Financial institution: This warrant authorizes a search for customer records in the possession of a financial institution. In accordance with Government Code § 7475, I hereby request an order prohibiting the officers, employees, and agents of the institution from disclosing the existence of this warrant to any person on grounds that disclosure would impede an ongoing criminal investigation by alerting the customer to its progress and focus.

Electronic communications provider: This warrant authorizes a search for customer records in the possession of a provider of an electronic communications service. In accordance with 18 U.S.C. 3123(d), I hereby request an order prohibiting the provider's officers, employees, and agents from disclosing the existence of this warrant to any person on grounds that disclosure would impede an ongoing criminal investigation by alerting the customer to its progress and focus.

Time Extension (Financial Records): I have been informed by *[insert name of financial institution official]* of *[insert name of financial institution]* that, because of the number and nature of the records to be seized, the listed records cannot reasonably be produced within the ten days required pursuant to Government Code § 7475. I therefore request an order extending the compliance date to the following: *[Insert requested date]*

Special Master Procedure (search for client or patient files of a lawyer, physician, or psychotherapist): Because it appears that the requested search will implicate the confidentiality of privileged communications, I hereby request that a special master be appointed to conduct the search pursuant to Penal Code § 1524(c).

Search Conducted by Expert: Because a certain expertise will be necessary to identify some or all of the described evidence, I hereby request the appointment of a person with such expertise to assist with the requested search. (*People v. Superior Court (Moore)* (1980) 104 Cal.App.3d 1001).

Anticipatory Warrant: I hereby request an order authorizing execution of this warrant upon the occurrence of the triggering event(s) described in the following: *[Check one]*: The Statement of Probable Cause. Exhibit *[insert number or letter]* which is attached hereto, identified as "Anticipatory Warrant Triggering Event," and incorporated by reference. (*U.S. v. Grubbs* (2006) 547 U.S. 90, 96, *People v. Sousa* (1993) 18 Cal.App.4th 549, 557)

Covert Warrant: In accordance with *U.S. v. Freitas* (9th Cir. 1986) 800 F.2d 1451, 1456 and *U.S. v. Villegas* (2nd Cir. 1990) 899 F.2d 1324, 1337, for the following reasons I hereby request authorization to execute this warrant without providing notice of the search as set forth in Penal Code § 1535: *[Insert facts]*.

Off-Site Computer Search: For the following reasons, I request authorization to remove the described computers and computer-related equipment from the premises and search them at a secure location: *[Delete inapplicable grounds]*

- (1) The amount of data that may be stored digitally is enormous, and I do not know the number or size of the hard drives and removable storage devices on the premises that will have to be searched pursuant to this warrant.
- (2) The listed data may be located anywhere on the hard drives and removable storage devices, including hidden files, program files, and "deleted" files that have not been overwritten.
- (3) The data may have been encrypted, it may be inaccessible without a password, and it may be protected by self-destruct programming, all of which will take time to detect and bypass.
- (4) Because data stored on computers can be easily destroyed or altered, either intentionally or accidentally, the search must be conducted carefully and in a secure environment.
- (5) To prevent alteration of data and to ensure the integrity of the search, we plan to make clones of all drives and devices, then search the clones; this, too, will take time and special equipment.
- (6) A lengthy search at the scene may pose a severe hardship on all people who [live][work] there, as it would require the presence of law enforcement officers to secure the premises while the search is being conducted.

Declaration: I declare under penalty of perjury that all information contained herein that is based on my personal knowledge is true.

Date

Affiant