

SUPERIOR COURT OF CALIFORNIA
County of _____



SEARCH WARRANT
Vehicle Tracking
Installation and Monitoring

The People of the State of California
To Any Peace Officer in _____ County

Warrant No. _____

The affidavit filed herewith by _____, sworn to and subscribed before me on this date, has established probable cause for this warrant and the implementation of the special procedures listed below. You are therefore ordered to execute this warrant as follows:

Orders

Target Vehicle: The following is a description of the vehicle that is subject to the provisions of this warrant (hereinafter "Target Vehicle"): *[Insert description, including license number and, if known, the VIN]*

Installation: You are hereby authorized to install an electronic tracking device to the undercarriage or to any other place inside or outside the Target Vehicle. If the Target Vehicle is parked on a private driveway or carport, you are authorized to enter the driveway or carport to install, remove, or repair the device.

Monitoring: You are hereby authorized to utilize the electronic tracking device to monitor the whereabouts and movements of the Target Vehicle in any public or private place for ten days after this warrant was issued. *[Note: The Federal Rules of Criminal Procedure permit magistrates to authorize tracking for 45 days after the order was issued. FRCP Rule 41(e)(2)(C). But because California has no comparable statute, it is possible that a California search warrant can authorize monitoring for only ten days after it was issued. See Penal Code § 1534. Before the warrant expires, officers may then seek a new warrant for another ten days. Although this procedure is burdensome and time-consuming, it has the advantage of being expressly authorized by established search warrant law. It also allows officers and prosecutors to invoke Penal Code § 1534 to establish that the probable cause upon which the warrant was based had not become stale after the device was attached.]*

Night Service Authorization: The installation and monitoring that are authorized by this warrant may be conducted at any hour of the day or night.

Sealing Order: This search warrant and the supporting affidavit are ordered sealed pending further order of the court and shall be delivered into the custody of the Clerk of the Court:

Grounds for sealing: Official information (Evid. Code § 1040) Informant protection (Evid. Code § 1041)

Manner of sealing: Pursuant to Rule 2.550 of the California Rules of Court, the sealed documents shall be retained in the following manner pending further order of the court: (1) The documents shall be sealed in an envelope with a copy of this Order affixed to the front of the envelope; and (2) The Clerk of the Court shall retain custody of the envelope in a secure place and shall not permit it to be opened by anyone except as authorized by written order of the Court.

Covert Warrant: Compliance with the receipt requirement of Penal Code § 1535 is excused until the criminal investigation has concluded.

Evidence Type: (Penal Code § 1524): The evidence sought pursuant to this warrant consists of information that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

Date and time warrant issued

Judge of the Superior Court