

## ***Mapp v. Ohio* / Search Warrants: What Are They and How Do They Work?**

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In this activity you will simulate the process of obtaining a search warrant. A search warrant is an order signed by a judge that allows the police to look in a specific place for a specific item at a specific time. In order to get a search warrant, the police must persuade a judge that they have “probable cause” to believe they will find evidence of criminal activity in the place to be searched. Police officers do this through an affidavit, which is an oral or written statement made under oath. In the affidavit, they identify the place to be searched, the reason it is to be searched, and the items that are to be seized. If a judge believes that a police officer has demonstrated probable cause that they will find the items, the judge will issue the search warrant. If the judge does not believe that probable cause exists, the judge will not issue the warrant.

### **Directions:**

1. Your teacher will assign you to small group. Your group will be given a scenario to read. Your teacher will also assign each person in your group a role to play: a police officer or a witness.
2. The police officers and witnesses will read the scenario and answer the questions that follow the scenario.
3. The police officer will interview the witnesses, who will describe any “suspicious behavior” they have seen. The information in the scenario provided will serve as a basis for the witnesses, but they may embellish the details as appropriate. If the situation merits a request for a search warrant, the police officer will complete an **Application and Affidavit for Search Warrant** (page 2). If the situation does not merit a request for a search warrant, members of the scenario should discuss and list the reasons why.
4. The witnesses will rotate to another group and now serve as judges. If the officers have affidavits to submit, they will submit the affidavit to the judges for consideration and explain why they are seeking a warrant. If not, they will explain to the judges why they did not submit one.
5. The judges will review the **Application and Affidavit for a Search Warrant**, confer, and determine whether there is probable cause for a warrant. The judges will complete the first page of the **Search Warrant** (page 3) explaining why or what additional information they would need in order to grant the request.
6. Each group will present the outcome of its scenario to the class and will explain what transpired and why. Summarize the results of the simulations by answering the **Debrief Questions** (page 4).

# Application and Affidavit for Search Warrant

Case #: \_\_\_\_\_

I \_\_\_\_\_, being duly sworn a police officer, have the following reasons to believe that:

On the person known as \_\_\_\_\_

On the property or premises described as \_\_\_\_\_

Is concealed a certain person or property, namely \_\_\_\_\_, in violation of the law of this jurisdiction.

The facts to support the issuance of a search warrant are as follows:

\_\_\_\_\_

officer signature

\_\_\_\_\_

date

# Search Warrant

Case #: \_\_\_\_\_

To: \_\_\_\_\_ and any authorized officer of the state.  
*(name of officer requesting search warrant)*

An affidavit was made before me by \_\_\_\_\_  
*(name of officer requesting search warrant)*

who has reason to believe that on the person known as \_\_\_\_\_  
or on the premises known as \_\_\_\_\_, there is now concealed  
a certain person or property named: \_\_\_\_\_.

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe  
that the persons or property so described above establishes the grounds for issuing this warrant.

You are hereby commanded to search on or before: \_\_\_\_\_  
*(date)*

(not to exceed 10 days) the person or place named above for the person or property specified,  
serving this warrant, and making the search.

- In the daytime (8 a.m. to 10 p.m.)  
 At any time in the day or night

If the person or property is found there, seize that person or property, leaving a copy of this  
warrant and a receipt for the person or property taken. Prepare a written inventory of the person  
or property seized and promptly return this warrant to: \_\_\_\_\_  
*(name of issuing judge/ magistrate)*

\_\_\_\_\_  
*(date and time issued)*

\_\_\_\_\_  
*(city and state)*

\_\_\_\_\_  
*(name and title of judicial officer)*

\_\_\_\_\_  
*(signature of judicial officer)*

*Note: Typically the warrant would continue onto a second page for the officer(s) to record their inventory and to name the person  
with whom they left a copy of the warrant and to swear that the information contained in the inventory is correct.*

## **Debrief Questions**

1. In which scenarios did the police officers request a search warrant?
2. In which scenarios did the judge issue a search warrant?
3. Why were warrants issued in some cases but not in others?
4. In situations where warrants were not issued, how did the police obtain evidence?













