

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

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?

Scenario I

Residents in Las Vegas, Nevada, are complaining about one of their neighbors. They believe that the adults living in the corner house on Caroline Way are involved in something illegal. The neighbors notice cars coming and going at all hours. Most of the time single men drive the cars. These men spend very little time in the house before leaving, often carrying a package with them when they leave. Additionally, the children living in the house appear sad and malnourished. They are frequently playing in the backyard during school hours and walk around the neighborhood wearing little more than their underwear. When interacting with each other, the children use very mature language, often peppering their comments with profanity. At school, the children's teachers notice that they have trouble sitting still and often complain about not feeling well. Witnesses to this suspicious activity include the next-door neighbor and the nurse at the children's elementary school.

Questions to Consider

1. What illegal activity might the parents be involved in? List two possibilities below.

Prostitution and Neglect

2. List three pieces of possible evidence to support each of the above predictions.

Prostitution

- cars coming and going
- single men going into the house and staying for a short time
- children's use of mature language and interest in the opposite gender

Neglect

- children appear sad and malnourished
- children playing in yard during school hours
- children often sick

Scenario 2

In a quiet neighborhood outside of Chicago, Illinois, a middle-class family has begun to spend money as if they were wealthy. The wife, a stay-at-home mother of two, traded her Ford station wagon for a BMW SUV. She purchased three platinum and diamond rings for her right hand and a huge emerald and diamond ring for her engagement finger. Furthermore, as the weather has gotten colder, a fur has replaced her wool coat. The father, a manager at the local Bank of America branch, recently bought a snowmobile and a mint condition 1957 Corvette. At school, the kids have been bragging to their friends about skiing in Switzerland. Witnesses to this suspicious activity include the next-door neighbor and the mother of the children's best friend.

Questions to Consider

1. What illegal activity might the parents be involved in? List two possibilities below.

Embezzlement, selling drugs and/or laundering money

2. List three pieces of possible evidence to support each of the above predictions.

Embezzlement

- expensive cars
- husband manages a bank and would have access
- change in lifestyle—new jewelry and clothing

Selling Drugs or Laundering Money

- change in lifestyle—new jewelry and clothing
- expensive cars
- going to Switzerland — they may have a special bank account there

Scenario 3

A wealthy businessman in San Francisco, California, has a family with three children. He and his wife are well known for their philanthropic contributions to society. Recently, an article in a San Francisco newspaper featured the family and mentioned that they were worth about \$500 million. The weekend after the article appeared in the newspaper, the youngest daughter was at soccer practice in a city park. Mrs. Smith, who usually watches her daughter's practice, left for about 20 minutes to run some errands. When she came back, her daughter was nowhere to be found. Frantic, she asked the team coaches and parents at the practice if they knew where her daughter was. No one did, but one father, Mr. Cruz, mentioned that he had seen an unknown woman lingering near the water fountain at the far side of the field. Mrs. Smith called her husband in tears, wondering how she was going to explain the situation. However, when she reached her husband she did not need to explain. He told her that a letter was mailed to him that afternoon. It says, "We have your daughter. To get her back, you must contribute the following fee to the 'HELP ME' organization: \$25 million. Collect the money, DO NOT call the police, and await further instructions." A witness to this suspicious activity includes Mr. Cruz, the soccer father.

Questions to Consider

1. What illegal activity may have taken place?

[Kidnapping](#)

2. List three pieces of possible evidence to support the above prediction.

Kidnapping

- child missing
- unknown woman in park
- ransom note

Scenario 4

John, a high-school senior at a New York prep school, comes to class wearing brand new sneakers, an expensive shirt, and very pricey jeans. A talented artist, he is known to take beautiful, dramatic photographs of people. Because he usually wears neat, but not new clothes to school, his classmates comment on his new look. He is pleased and tells them to wait and see what he has on tomorrow. The following day, John again comes to school in new clothes. In addition to the clothes, however, he also has on a new gold necklace and is seen in the cafeteria treating three of the most popular girls to lunch, one of whom was the captain of the cheerleading squad. When questioned about his new wealth, he says that he has gotten a job. At the end of the week, he drives to school in a new Jeep Cherokee. That weekend, John is spotted at several parties he has never before been invited to. At the parties, he is often seen in quiet conversation with other students where money exchanges hands. Witnesses to this activity include John's art teacher, the captain of the cheerleading squad, and the manager at the store where John works.

Questions to Consider

1. What illegal activity might the student be involved in? List two possibilities below.

Drug dealing and selling pornography

2. List three pieces of possible evidence to support each of the above predictions.

Drug dealing

- increased popularity
- student has new, expensive clothing and jewelry
- money exchanges hands

Selling pornography

- student is a good photographer and is now more popular with girls
- sudden access to material possessions he did not have before
- money exchanges hands

Scenario 5

When visiting downtown Kansas City, Missouri, Maria and José come across a woman on the street corner selling stereo equipment out of the back of her SUV. The equipment that she is selling is very high quality, but she is selling it for less than half the price it would cost in a specialty store. When Maria asks how she is able to sell the equipment at such a low price, she tells Maria that the merchandise was previously owned, but assures her that it has been checked and is in excellent condition. Not wanting to commit to a purchase, Maria asks if she will be back next weekend. She says she will but might not be in the exact location. During the week, Maria talks to her uncle who lives in nearby Kansas City, Kansas. He asks if Maria's community is having the same crime wave that his is suffering. She tells him no and asks for details. He says that homes in one of the more affluent neighborhoods are being burglarized. When Maria asks what is being stolen, he says jewelry and electronic goods. Although Maria thinks nothing of it at the time, the next weekend she again sees the woman selling stereos and remembers what her uncle said. Witnesses to this activity include Maria, José, and Maria's uncle.

Questions to Consider

1. What illegal activity may have taken place?

Theft

2. List three pieces of possible evidence to support the above prediction.

Theft

- selling "previously owned" goods for half price
- the seller admits that she may not come back to the same place on subsequent weekends
- there have been a number of robberies in a nearby neighborhood

Scenario 6

Bored one Saturday evening, Maggie is sitting in her family room binge-watching a new series on Netflix. Suddenly she hears a screeching noise in her driveway. Rushing outside, she sees her friend, Dylan, in a gorgeous bright red BMW with a personalized license plate that reads “Doc.” Dylan, tells Maggie to get in the car “NOW.” Ignoring the warnings of her parents to be careful, Maggie hops in the car. Careening around corners and running red lights, they get to the center of town before they notice the flashing lights of a police car behind them. Dylan ignores the police until Maggie convinces him to pull over. Witnesses to this activity are Dylan, Maggie, Dr. Rodriguez (the owner of a red BMW missing from the restaurant parking lot where he had parked it), the driver of another car that was almost hit by the BMW, and the police car pursuing the BMW.

Questions to Consider

1. List two illegal activities that may have taken place.

Theft of the car and fleeing the police

2. List three pieces of possible evidence to support each of the above predictions.

Theft of the car

- unexplained car
- friend in passenger seat is scared
- police chase car and driver does not stop initially

Violation of another law that has resulted in the driver fleeing

- driver is going so fast that tires screech when he stops; wood splintering indicates he may have crashed into something when he stopped
- friend in passenger seat is scared
- police chase car and driver does not stop initially