


Search Warrants: Definition & Examples

Cite this lesson 

This lesson will discuss the use of search warrants in law enforcement investigations. After providing a definition of search warrants, examples of situations will be provided to further clarify when search warrants are necessary.

A Knock at the Door

Kevin has a history of committing petty criminal offenses. Most recently, Kevin has been selling stolen cell phones out of his home. Unbeknownst to Kevin, he recently sold one of his phones to an undercover police officer. Based on this transaction, the officer is able to secure a search warrant for Kevin's home to look for more stolen phones. Kevin is completely taken off guard when he answers the door and sees the police officer standing there with a search warrant in hand.

What is a Search Warrant?

A **warrant** is a legal document that is issued by a judge or authorized legal official for a number of different purposes. There are several different types of warrants including **arrest warrants** that authorize someone's detention by law enforcement officers, **bench warrants** that give law enforcement officers authority to bring an individual in front of a judge, and **search warrants** that provide law enforcement officers with the authority to search and seize someone's property.

Valid Search Warrants

In order to be **valid**, a search warrant must meet certain criteria. First and foremost, search warrants are guided by the **Fourth Amendment** of the United States Constitution which protects citizens from being subjected to searches and seizures that are without cause. For this reason, any search and seizure that is conducted by law enforcement and done without a properly issued warrant is typically not considered to be lawful.

In addition to the protections offered by the Fourth Amendment, a valid warrant to search or seize property must meet **additional criteria** including:

- The information on which the search warrant is granted is strong and reliable
- the warrant needs to contain descriptive and specific information about what can be searched and what can be seized
- the police officer that files for the warrant is doing so because he has a valid reason to do so
- the person who issues the warrant (i.e. a judge) is an impartial authority

Is a Search Warrant Always Required?

A search warrant is not always required during searches and seizures, and **specific exceptions** are outlined in the law. These include:

- getting permission from the suspect to conduct the search - when a person voluntarily grants permission for their property to be searched, law enforcement officials do not need to secure a warrant. For example, a law enforcement officer who stops a vehicle for speeding and notices the smell of marijuana after the stop, can search the vehicle if the driver of the car gives permission to do so.
- an illegal item is visible in plain view - items that are visible in plain view of law enforcement officers can be seized without permission. Going back to our example of the traffic stop, if a law enforcement officer approaches the car and sees a bag of marijuana on the passenger seat, that officer can seize the marijuana.
- after making an arrest - a law enforcement officer who places a suspect under arrest may search the suspect without a warrant. This is primarily for officer safety and to ensure the person doesn't have any weapons. If a person is arrested while in or very close to their vehicle, portions of that vehicle may also legally be searched.
- pursuing a suspect - officers who are already chasing a suspect may continue to chase the suspect into a residence in order to detain them.
- exception to vehicles - if a police officer believes illegal items are located in a vehicle, they are authorized to proceed with a search of the vehicle without obtaining a warrant. In our vehicle example, the officer who saw the marijuana in plain view may continue searching the vehicle because they now have reason to believe illegal contraband is present.
- special circumstances - when a law enforcement officer believes that evidence would be lost or a person might be in immediate danger, they can legally search without a warrant. For example, if a missing child was last seen being ushered into a neighbor's home, that home may be searched without a warrant for the safety of the child.

Lesson Summary

A **warrant** is a legal document typically issued by a judge. Typical warrants that are issued include **arrest warrants**, **bench warrants**, and **search warrants**. A search warrant gives law enforcement authority to conduct a legal search and/or seizure.

Search warrants are governed by the **Fourth Amendment** of the United States Constitution which protects citizens from being subjected to illegal searches and seizures. A **valid** and lawful search warrant must also meet **additional criteria**, such as being ordered with valid intent, being issued by an impartial authority, and being specific.

There are **specific exceptions** when a search warrant isn't necessary. These include special circumstances that place someone in danger or risk destruction of evidence, searches after arrest, items that are plainly visible, vehicle exception, obtaining voluntary permission to search, and during active pursuit.

Worksheet: Search Warrants: Definition & Examples

<https://study.com/academy/lesson/search-warrants-definition-examples.html>

1. Which one of the following could invalidate a search warrant?

- The search warrant was requested by an officer based on solid facts and evidence.
- The search warrant is specific and detailed.
- The search warrant was issued by a judge who is the father of the officer seeking the warrant.
- The search warrant request is strong and reliable.

2. A warrant that requires a law enforcement officer to detain someone and present them in front of the court is referred to as a ____.

- bench warrant
- search warrant
- arrest warrant
- seizure warrant

3. What amendment of the Constitution provides protection against unwarranted searches and seizures?

- Thirteenth Amendment
- Fourth Amendment
- Fifth Amendment
- First Amendment

4. Which of the following is a required criteria in order for a search warrant to be deemed valid?

- It has to be typed.
- It has to contain accurate spelling.
- It has to be timely.
- It has to be specific about what can be searched and seized.

5. In which one of the following scenarios is a search warrant not required?

- An officer takes a suspect's watch because the suspect looks like he can't afford a watch of that type.
- An officer is chasing a suspect and runs after the suspect after he enters his residence.
- A police officer thinks he hears a scream so he breaks down the door to a residence.
- An officer wants to seize a computer in someone's home to look for evidence of fraud.