

**APPENDIX I (LOCAL RULE 6.09)**

**UNIFORM ELECTRONIC SEARCH WARRANT  
PROCEDURE FOR ISSUING SEARCH WARRANT REQUESTED/ISSUED BY  
ELECTRONIC MEANS**

Rule 41 of the Ohio Rules of Criminal Procedure permits search warrant applications and the issuance of search warrants to be communicated by “reliable electronic means.” During non-business hours the Court may accept applications and issue search warrants via reliable electronic means pursuant to the following protocols:

- 1) The requesting officer must first make contact with the issuing judge via telephone or teleconference, establish to the satisfaction of the judge the requesting officer’s identity and proper credentials, and communicate to the judge necessity for the warrant and the general contents of the affidavit. If requested by the judge, the requesting officer shall transmit via email to the judge a copy of the proposed, unsigned affidavit and search warrant for review and consideration. The judge may decline the requesting officer’s request for an electronic application and search warrant. Alternatively, the judge may require the requesting officer to appear personally, and may examine under oath the requesting officer and any witnesses he or she may produce.
- 2) If the judge is inclined to consider approval of the electronic application for a search warrant, the judge shall place the requesting officer under oath while both are engaged on the telephone call or teleconference. While still engaged on the telephone call or teleconference and under oath the requesting officer shall swear to and/or affirm the contents of the affidavit and sign the affiant’s oath/affirmation (see paragraph 8(a) below).
- 3) The requesting officer must complete and sign the affiant’s certification (see paragraph 8(b) below). The requesting officer must then transmit via email the signed affidavit and proposed search warrant to the judge.
- 4) If the judge is satisfied with the application, the judge shall sign and date the Attestation of Judge Administering Oath/Affirmation (see paragraph 8(c) below), the Search Warrant and Certification and Order Regarding Original (see paragraph 8(d) below) with AdobeSign. Once the affidavit and warrant are signed, Adobe will be used to “flatten” the documents, meaning that they will not be able to be altered further. The executed affidavit and search warrant shall then be transmitted via email to the requesting officer.
- 5) Upon the requesting officer’s receipt of the judge’s email containing the signed affidavit and search warrant, the requesting officer shall print onto 8 ½” x 11” plain paper the affidavit and search warrant. The printed affidavit and search warrant shall be deemed the original of each document.
- 6) Following execution of the search warrant, the original affidavit, search warrant and the inventory shall be returned to the court and filed by the requesting officer with the Clerk of Courts. All search warrant returns must be made in person and during regular business hours.
- 7) All email communications by and between the Judge and law enforcement as described herein shall be through a government email account. The use of government email

accounts shall be considered a “reliable electronic means” as that term is used in Criminal Rule 41. The affidavit and search warrant shall be transmitted in Adobe PDF format only.

8) The affidavit and search warrant must include the following provisions:

a. Affiant’s Oath/Affirmation. The affidavit shall contain the following oath/affirmation which shall be completed and signed at the time the affiant (requesting officer) is placed under oath by the judge and during the course of the telephone or teleconference:

“The affiant hereby swears or affirms the contents of the foregoing affidavit are true and accurate to the best of my knowledge and belief.”

b. Affiant’s Certification. The affidavit shall contain the following certification, which shall be completed and signed by the affiant (requesting officer):

“I do hereby certify that a true copy of the foregoing affidavit was executed by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o’clock \_\_.m. while under oath administered to me by Judge \_\_\_\_\_ during the course of said telephone call/teleconference. The undersigned further certifies that the foregoing affidavit and proposed search warrant shall be immediately transmitted to Judge \_\_\_\_\_ by email transmission.”

c. Attestation of Judge Administering Oath/Affirmation. The affidavit shall contain the following attestation of judge administering oath, which shall be signed by the judge after the warrant is signed and issued and before the signed warrant and affidavit is sent to the requesting officer by email:

“This affidavit was transmitted to the undersigned by reliable electronic means. Prior to its transmission, the affiant was placed under oath via telephone/teleconference communication between the affiant and the undersigned and during the course of said communication the affiant swore to and/or affirmed the content of this affidavit this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.”

d. Certification and Order Regarding Original. The search warrant shall contain the following certification, which shall be signed by the judge after the warrant is signed and issued and before the signed warrant and affidavit is sent to the requesting officer by email:

“I do hereby certify that the foregoing search warrant was executed by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and the search warrant and supporting affidavit shall be immediately transmitted to the requesting officer by email transmission. Upon receipt of the email the requesting officer is ordered to print on paper the search warrant and supporting affidavit, thereupon the printed, paper documents will be

deemed to be the original affidavit and search warrant. Following execution of the search warrant the requesting officer is instructed to return the inventory to the Court during regular business hours and file with the Clerk of Courts the original affidavit, search warrant and inventory as provided by law.

7/14/2021 at 9:07 a.m.

# SAMPLE

## AFFIDAVIT FOR SEARCH WARRANT REQUESTED/ISSUED BY ELECTRONIC MEANS

\_\_\_\_\_ Township / City of \_\_\_\_\_

Butler County  
State of Ohio

1.Name, Rank, Assignment, Badge No., Agency, Address of Applicant:

XXX

2.Name, Rank, Assignment, Badge No., Agency, Address of Additional Officers Supplying Information:

XXX

3.Names and Addresses of Other Individuals Supplying Relevant Information:

XXX

4.Agency to Which the Warrant is to be Directed:

XXX

5.Identity of the Person to be Searched or Owner of the Property to be Searched:

XXX

6.Description of the Place to be Searched:

XXX

7.Property Within the Description of the Place Sought to be Searched:

XXX

8.Description of Property Sought to be Searched for and Seized:

XXX

9.Criminal Conduct Involved in Relation to the Property Sought to be Searched and Seized:

XXX

Underlying Facts and Circumstances that Establish Probable Cause:

10.01 Affiant's Training, Experience and Personal Observations:

XXX

10.02 Information Received from Fellow Law Enforcement Officer(s):

XXX

10.03 Information Received From Bystanders or Victims of a Crime:

XXX

10.04 Information Received From Confidential Informant(s):

XXX

10.05 Additional Factors:

XXX

11. Request for Authorization to Conduct a Night Time Search:

XXX

12. Request for Waiver of Statutory Precondition for Nonconsensual Entry:

XXX

*Therefore, it is respectfully requested that this Court waive the Statutory Precondition for Nonconsensual Entry (so called "Knock and Announce" Rule).*

#### **AFFIANT'S OATH/AFFIRMATION**

The affiant hereby swears or affirms the contents of the foregoing affidavit are true and accurate to the best of my knowledge and belief.

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Date Affiant's signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Badge Number: \_\_\_\_\_

Law Enforcement Agency: \_\_\_\_\_

Assigned Unit: \_\_\_\_\_

### **AFFIANT'S CERTIFICATION**

"I do hereby certify that a true copy of the foregoing affidavit was executed by me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_.m. while under oath administered to me by Judge \_\_\_\_\_ during the course of said telephone call/teleconference. The undersigned further certifies that the foregoing affidavit and proposed search warrant shall be immediately transmitted to Judge \_\_\_\_\_ by email transmission."

### **ATTESTATION OF JUDGE ADMINISTERING OATH**

This affidavit was transmitted to the undersigned by reliable electronic means. Prior to its transmission, the affiant was placed under oath via telephone/teleconference communication between the affiant and the undersigned and during the course of said communication the affiant swore to and/or affirmed the content of this affidavit this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Date / Judge's signature

\_\_\_\_\_  
Printed Name / Court

7/14/2021 at 9:07 a.m.

# SAMPLE

## SEARCH WARRANT REQUESTED/ISSUED BY ELECTRONIC MEANS

STATE OF OHIO  
BUTLER COUNTY: SS

To \_\_\_\_\_ Police Department / Sheriff's Office

Greetings:

WHEREAS, there has been transmitted to me by reliable electronic means an affidavit, a copy of which is attached hereto and incorporated as if fully rewritten herein, to command you, in the name of the State of Ohio, with the necessary and proper assistance to execute a search and/or seizure.

WHEREAS, the requesting agency is:

*Requesting Agency (Item #4 of Affidavit)*

WHEREAS, the Identity of the Person to be Searched or Owner of the Property to be Searched is:

*Identity of Person/Owner (Item #5 of Affidavit)*

WHEREAS, the Premises to be Searched is:

*Description of Premises (Item #6 of Affidavit)*

WHEREAS, the Property Within the Description of the Place Sought to be Searched is:

*Description of Premises (Item #7 of Affidavit)*

WHEREAS, the Description of Property Sought to be Searched for and Seized is as follows:

*Description of Property Sought (Item #8 of Affidavit)*

The undersigned Judge has determined the affidavit demonstrates probable cause for a search to be made of the aforementioned premises for the property set forth herein.

YOU ARE HEREBY COMMANDED to search the above named person and/or place for the property described, serving this warrant and making the search within three (3) days from the

issuance of this order, and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant to me upon execution to be disposed of and dealt with according to law.

- Daytime only warrant – you are hereby commanded to serve this warrant during daylight hours only.
- Nighttime warrant – there is reasonable cause demonstrated in the affidavit to permit execution of this warrant at night, and nighttime execution is hereby authorized.
- Furthermore, for good cause shown, the statutory precondition for nonconsensual entry (so called “knock and announce” condition) is hereby waived.

So ordered.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Court

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock  
\_\_\_\_.m.

**CERTIFICATION AND ORDER REGARDING ORIGINAL**

I do hereby certify that the foregoing search warrant was executed by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and the search warrant and supporting affidavit shall be immediately transmitted to the requesting officer by email transmission. Upon receipt of the email the requesting officer is ordered to print on paper the search warrant and supporting affidavit, thereupon the printed, paper documents will be deemed to be the original affidavit and search warrant. Following execution of the search warrant the requesting officer is instructed to return the inventory to the Court during regular business hours and file with the Clerk of Courts the original affidavit, search warrant and inventory as provided by law.

So certified and ordered.

\_\_\_\_\_  
Judge

7/14/2021 at 9:07 a.m.