

CHIEF OF DETECTIVES

November 17, 2020

NOTICE

1.8

TO: All Concerned Personnel

FROM: Chief of Detectives

SUBJECT: AFFIDAVIT IN SUPPORT OF SEARCH WARRANT, FORM 12.25.05 –
RENAMED AND REVISED

The purpose of this Notice is to inform all Department employees to replace the existing Affidavit in Support of Search Warrant, Form 12.25.05 (05/2017), commonly referred to as the “McNeely warrant,” with the updated version (09/2020). The updated form shall be used as it complies with the Superior Court of California, County of Los Angeles.

The revisions to the AFFIDAVIT IN SUPPORT OF SEARCH WARRANT, FORM 12.25.05, include the following changes:

- Form title renamed to: “State of California – County of Los Angeles Affidavit in Support of Search Warrant;”
- The addition of a search warrant number field at the top right portion of the form; and,
- Reformatting Form 12.25.05 to mirror the Superior Court of California, “State of California – County of Los Angeles Affidavit in Support of Search Warrant.”

PROCEDURE:

I. OFFICER’S RESPONSIBILITIES:

Officers conducting felony driving under the influence (DUI) investigations shall use the updated State of California – County of Los Angeles Affidavit in Support of Search Warrant, Form 12.25.05, if an offender refuses to submit to a breath or blood test. Officers are reminded to comply with the Office of the Chief of Police Administrative Order No. 8, dated August 12, 2013, which further outlines the use of the State of California – County of Los Angeles Affidavit in Support of Search Warrant, Form 12.25.05. The completion of the updated State of California – County of Los Angeles Affidavit in Support of Search Warrant, Form 12.25.05 is self-explanatory.

II. SUPERVISOR’S RESPONSIBILITIES:

Supervisors shall ensure officers are utilizing the updated State of California – County of Los Angeles Affidavit in Support of Search Warrant, Form 12.25.05, and ensure the form is properly completed.

III. COMMANDING OFFICER'S RESPONSIBILITIES.

Commanding Officers shall ensure compliance of this Notice.

FORMS AVAILABILITY: The State of California – County of Los Angeles Affidavit in Support of Search Warrant, Form 12.25.05 (revised 09/2020) is available in LAPD-Forms on the Department's Local Area Network (LAN). A copy of the State of California – County of Los Angeles Affidavit in Support of Search Warrant, Form 12.25.05 has been attached for immediate use and duplications. All other versions of Form 12.25.05 shall be marked "obsolete" and placed into the divisional recycling bin.

Should you have any questions or concerns regarding this notice, contact Detective Services Group at (213) 486-7010.

APPROVED:



KRIS E. PITCHER, Deputy Chief
Chief of Detectives



DOMINIC H. CHOI, Deputy Chief
Chief of Staff
Office of the Chief of Police

Attachment

DISTRIBUTION "D"

STATE OF CALIFORNIA – COUNTY OF LOS ANGELES
AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

SW No. _____

- 1) I, Officer _____ # _____ am a peace officer, employed by the Los Angeles Police Department.
- 2) I have been employed as a peace officer for approximately _____ year(s)/months and received training in investigating traffic collisions and investigating impaired driving [alcohol and/or drug(s)].
- 3) On _____, at approximately _____ hours, I conducted an enforcement stop responded to a traffic collision involving (check applicable: Major Injuries; Fatality); Conducted other investigation: _____ which occurred in the County of Los Angeles.
 I saw Suspect (identified below) driving stopped inside vehicle outside vehicle.
 While Suspect was driving, I observed the vehicle speeding weaving driving slowly failed to stop at red light/stop sign unsafe lane change failed to signal other: _____
- 4) Upon investigating, I contacted Suspect standing next to the vehicle while in the driver's seat of the involved vehicle while being medically treated at the scene by fire personnel at another location approximately _____ minutes/hours after the collision other: _____
- 5) Collision: No Yes, and at the time of the collision, Suspect is believed to have been the driver because: Suspect is the vehicle's registered owner Suspect is in possession of the vehicle's keys Suspect's statement seatbelt mark across Suspect's chest/injuries present witness statements other: _____
- 6) I stopped the vehicle contacted Suspect and noticed the following objective symptoms of driving under the influence:
 fumbling with vehicle controls fumbling with documents slurred speech
 rapid speech reddened eyes watery eyes
 dilated pupils constricted pupils unsteady gait
 odor of alcoholic beverage marijuana emitting from Suspect's breath and/or person
 admitted to drinking using marijuana taking other drug(s) _____
 was unable to perform Field Sobriety Tests as explained and demonstrated
 refused to perform Field Sobriety Tests
 BAC measured _____ % on a Preliminary Alcohol Screening (PAS) test refused PAS test
 other subjective findings: _____
- 7) After being read verbatim the Chemical Test Admonition per CVC 23612-Implied Consent, Suspect: refused to submit to breath or blood test; or unable to consent due to medical condition.
- 8) Based upon my training and experience, it is my opinion Suspect was operating a motor vehicle while under the influence of alcohol and/or drug(s). It is my opinion that unless a blood sample is obtained promptly, dissipation of blood alcohol and/or drug(s) content may result in destruction of evidence.
- 9) Suspect to be searched is described as: Suspect's Name: _____;
 Male Female Non-binary; DOB or Approx. Age: _____; Driver's License or ID # _____;
State CII # _____; Approx. Height: _____; Approx. Weight: _____; Hair Color: _____;
Eye Color: _____. Now being detained at: _____; Now being treated at: _____
under Patient or Medical Record Number: _____; other information: _____
- 10) Night Service requested Yes No

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____ in Los Angeles County, California. Signed: _____

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER, OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: Proof having been made before me this day by the incorporated affidavit above, that there is probable cause to believe that a sample of the blood of the person described in section 9) above, will furnish evidence of the violation of Vehicle Code Section: 23153, 23152 or 23140. You are therefore commanded to search Suspect's person by extracting, in a medically approved manner, a blood sample to be submitted by you for laboratory analysis and to be retained by you, subject to order of the court. Dated _____ at _____ A.M P.M. Night Service Approved: Yes No

Judge of the Superior Court, County of Los Angeles

Printed Name of Magistrate