
Using This Revisable PDF Form

1. Copies
 - a. Original – filed by judicial officer or his designee/agent in the appropriate circuit court clerk's office where the search is made.
 - b. First copy – attached to original of the Search Warrant for Tracking Device.
 - c. Second copy – attached to copy of the executed Search Warrant for Tracking Device to be served in accordance with Virginia Code § 19.2-56.2.
 - d. Additional copies to others as dictated by local practice.
2. Prepared by affiant, acknowledged by clerk (if authorized to issue warrants), magistrate or judge. Must be signed and sworn to by the complainant in person. If a law enforcement officer brings in an affidavit signed by a third person, then the law enforcement officer should prepare his or her own affidavit, sign it and swear to it as the affiant.
3. Attachments – district court form DC-341, SEARCH WARRANT FOR TRACKING DEVICE (see 1(b) above).
4. Preparation Details
 - a. The judicial officer should not become involved in the preparation of this document. However, if the judicial officer believes that the affidavit does not show probable cause, he or she should return the affidavit and should tell the affiant that there is insufficient proof to constitute probable cause and what is generally needed in the case in question to constitute probable cause.
 - b. The judicial officer should not rely on additional oral information provided by the affiant. Instead, the judicial officer should insist that the affiant put this additional information into writing by including this information in the affidavit.
 - c. Law enforcement officer should consult the Commonwealth's Attorney if assistance is needed in preparing this affidavit.

Data Elements, page one

1. Description of offense.
2. Description of the object to, in, or on which the tracking device is to be installed.
3. The name of the owner or possessor of the object described in Data Element No. 2.
4. Name the jurisdictional area where the object described in Data Element No. 2 is expected to be found, if known.

To be completed by the clerk

5. Court case number.

6. Name, official title (if any) and street address of applicant.

To be completed by the magistrate or other judicial officer (or his designee)

7. Name of circuit court to whose clerk this affidavit is certified.
8. Date on which this affidavit is certified with circuit court.
9. Title of person certifying this affidavit with circuit court (printed or typed).
10. Signature of person certifying this affidavit to circuit court.
11. Name of circuit court to whose clerk this affidavit was delivered, and check the appropriate method of delivery.
12. Date on which this affidavit was delivered to circuit court identified in data element No. 11.
13. Title of person delivering this affidavit to the circuit court clerk's office identified in data element No. 11.
14. Signature of person delivering this affidavit to the circuit court clerk's office identified in data element No. 11.

5. The county or city where there is probable cause to believe the offense for which the tracking device is sought has been committed, is being committed, or will be committed is as follows:

1

6. Probable cause exists that the information likely to be obtained from the use of a tracking device will be evidence of the commission of the offense, and the material facts constituting the probable cause for the issuance of the search warrant are:

2

7. I have personal knowledge of the facts set forth in this affidavit AND/OR

I was advised of the facts set forth in this affidavit, in whole or in part, by one or more person(s). The credibility of the person(s) providing this information to me and/or the reliability of the information may be determined from the following facts:

3

8. The law-enforcement agency conducting the investigation is as follows:

The statements above are true and accurate to the best of my knowledge and belief.

4

TITLE OF APPLICANT

5

SIGNATURE OF APPLICANT

Subscribed and sworn to/affirmed before me this day.

6

DATE AND TIME

7

CLERK MAGISTRATE JUDGE

Data Elements, *page two*

1. The county or city where there is probable cause to believe the offense described in Data Element No. 1 has been, is being or will be committed.
2. State the material facts that the applicant believes constitutes probable cause for the issuance of the search warrant.
3. Check the appropriate box(es) and, if applicable, fill in the required information.
4. Official title of applicant, if any.
5. Signature of applicant.
6. Date that this document is signed and sworn to.
7. Signature of person before whom the affidavit was sworn to. Check the appropriate title box below the signature line.