\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*INSTRUCTIONS\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

-This search warrant mask is specifically for the collection of non-testimonial identification evidence.

-There is RED text below that needs to be changed based on the needs of your search warrant.

-There is BLUE text below which is provided for information to the reader about what is being requested and why. Make sure you read this information and understand it since you are putting it your search warrant. You may need to adjust some of the wording or content in these areas to the specifics of your case.

**Crim. P. 41.1**

**Basis for Order.** An order shall issue only on an affidavit establishing the following grounds:

(1) That there is probable cause to believe that an offense has been committed;

(2) That there are reasonable grounds, not amounting to probable cause to arrest, to suspect that the person named or described in the affidavit committed the offense; and

(3) That the results of specific nontestimonial identification procedures will be of material aid in determining whether the person named in the affidavit committed the offense.

**Contents of Order.** An order to take into custody for nontestimonial identification shall contain:

(1) The name or description of the individual who is to give the nontestimonial identification;

(2) The names of any persons making affidavits for issuance of the order;

(3) The criminal offense concerning which the order has been issued and the nontestimonial identification procedures to be conducted specified therein;

(4) A mandate to the officer to whom the order is directed to detain the person for only such time as is necessary to obtain the nontestimonial identification;

(5) The typewritten or printed name of the judge issuing the order and his signature.

**Execution and Return.**

(1) Nontestimonial identification procedures may be conducted by any peace officer or other person designated by the judge. Blood tests shall be conducted under medical supervision, and the judge may require medical supervision for any other test ordered pursuant to this section when he deems such supervision necessary. No person who appears under an order of appearance issued pursuant to this section shall be detained longer than is reasonably necessary to conduct the specified nontestimonial identification procedures unless he is arrested for an offense.

(2) The order may be executed and returned only within 14 days after its date.

(3) The order shall be executed in the daytime unless the issuing judge shall endorse thereupon that it may be served at any time, because it appears that the suspect may flee the jurisdiction if the order is not served forthwith.

(4) The officer executing the order shall give a copy of the order to the person upon which it is served.

(5) No search of the person who is to give nontestimonial identification may be made, except a protective search for weapons, unless a separate search warrant has been issued.

- After the warrant is finalized, highlight all of the text by selecting CTRL+A and then change all text to black

-It would be a good idea to delete this section before printing/sending your warrant to get signed.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*PLEASE DELETE\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Case No:

COUNTY OF LARIMER ) IN THE COMBINED COURT

) SS

STATE OF COLORADO )

**AFFIDAVIT FOR COURT ORDER FOR NON-TESTIMONIAL IDENTIFICATION**

BEFORE THE HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge / Magistrate

AFFIANT, YOUR NAME HERE, a commissioned law enforcement officer, being duly sworn, deposes and states that I have probable cause to believe that a crime or crimes have been committed, to wit:

NAME OF CRIME, C.R.S. STATUTE NUMBER, a class CLASSIFICATION OF CRIME

And reasonable grounds exist, not amounting to probable cause to arrest, to suspect the person known as:

Name: SUSPECT’S NAME

Date of Birth: DATE OF BIRTH

Physical Description: PHYSICAL DESCRIPTION

Last Known Address: LAST KNOWN ADDRESS

Driver’s License Number: DRIVER’S LICENSE NUMBER

committed the crime. I believe the results of non-testimonial procedures, namely:

1. Buccal swabs;
2. Major case fingerprints, including palmprints
3. Footprint impressions
4. Measurements,
5. Blood specimens,
6. Urine specimens,
7. Saliva samples,
8. Hair samples,
9. Specimens of material under fingernails
10. Handwriting exemplars
11. Voice samples,
12. Overall photographs including facial features and tattoos,
13. Close up photographs for injuries or other identifiers,
14. Appearing in lineups,
15. Trying on articles of clothing.

Will be material aid in determining whether or not SUSPECT’S NAME, named in this affidavit committed the offense.

The facts establishing probable cause to believe that the offense has been committed and showing reasonable grounds for the issuance of this Non-Testimonial Identification Order are as follows:

BACKGROUND OF AFFIANT

STATEMENT OF PROBABLE CAUSE REGARDING CRIME BEING INVESTIGATED AND REASOANLE GROUNDS, NOT AMOUNTING TO PROBABLE CAUSE TO ARREST, THAT SUSPECT COMMITTED THE OFFENSE

Based on this information I am requesting the above described non-testimonial procedures for comparison to any evidence collected in this case. This Order is authorized under Colorado’s Rules of Criminal Procedure 41.1 and 16(II)(a).

I believe the above facts to be true from official LAW ENFORCEMENT AGENGY records, conversations with fellow officers, personal observations and interviews. I am a YOUR TITLE with the LAW ENFORCEMENT AGENGY. I have been trained at the State, and local levels with regard to my duties. I am authorized by law to execute search warrants in the State of Colorado.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIANT

This affidavit was sworn to and subscribed in my presence this DATE day of MONTH 20\*\* at \_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge / Magistrate

Case No.

COUNTY OF LARIMER ) IN THE COMBINED COURT

) SS

STATE OF COLORADO )

**COURT ORDER FOR NON-TESTIMONIAL IDENTIFICATION**

BEFORE THE HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE

TO: ANY PEACE OFFICER AUTHORIZED BY LAW TO EXECUTE SEARCH WARRANTS IN THE STATE OF COLORADO.

Affiant, YOUR NAME HERE, a commissioned police officer, being duly sworn, has submitted an Affidavit for Court Order for Non-Testimonial Identification. This court finds probable cause to believe that a crime has been committed, to wit:

NAME OF CRIME, C.R.S. STATUTE NUMBER, a class CLASSIFICATION OF CRIME

And reasonable grounds exist, not amounting to probable cause to arrest, to suspect the person known as:

Name: SUSPECT’S NAME

Date of Birth: DATE OF BIRTH

Physical Description: PHYSICAL DESCRIPTION

Last Known Address: LAST KNOWN ADDRESS

Driver’s License Number: DRIVER’S LICENSE NUMBER

committed the crime. The Court finds that the results of non-testimonial procedures, namely:

1. Buccal swabs;
2. Major case fingerprints, including palmprints
3. Footprint impressions
4. Measurements,
5. Blood specimens,
6. Urine specimens,
7. Saliva samples,
8. Hair samples,
9. Specimens of material under fingernails
10. Handwriting exemplars
11. Voice samples,
12. Overall photographs including facial features and tattoos,
13. Close up photographs for injuries or other identifiers,
14. Appearing in lineups,
15. Trying on articles of clothing.

Will be material aid in determining whether or not SUSPECT’S NAME, named in this affidavit committed the offense.

Upon the grounds set forth in the accompanying Affidavit for Non-Testimonial Identification, which in incorporated by reference, and pursuant to Colorado’s Rules of Criminal Procedure 41.1 and 16(II)(a), the court orders as follows:

1. That the person named in this order shall be taken into custody for the purpose of obtaining the non-testimonial identification set forth above and described in the attached affidavit;
2. That the said non-testimonial identification procedures specified herein be conducted expeditiously, and after such identification procedures have been completed, the person named in this order shall be released from custody or charged with an offense;
3. That the person named in this order shall be detained for only such time as is reasonably necessary to obtain the non-testimonial identification specified herein;
4. That this order may be executed and returned only within fourteen days from the date hereof;
5. That this order shall be executed in daytime;
6. That the officer executing the order shall give a copy of this order to SUSPECT’S NAME;
7. That no search of SUSPECT’S NAME be made, except a protective search for weapons;
8. That a return of this order shall be made to the undersigned judge showing whether SUSPECT’S NAME has been detained for such non-testimonial identification and whether the said person was released or charged with an offense.

Dated this **\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_ 20\_\_**, at \_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE