

NMDPS - SEARCH WARRANT - CONVENIENT & QUICK

An emergency has occurred and a judge's approval for a search warrant is needed quickly. Perhaps it's a vehicular homicide where a driver refuses to give consent for blood. Maybe it's SWAT officers needing a warrant to enter a residence. Other officers want you to get a warrant but the nearest judge is many miles away. What options do you have?

Fortunately, the same courts that encourage warrants also believe in technology. In 2012, Supreme Court approved a convenient method for officers to get a warrant. An officer may transmit an affidavit and proposed search warrant to a judge by telephone, fax, electronic mail, or other electronic means. Rules of Criminal Procedure for District Court, Rule 5-211 (F).

Example: A warrant is sent by email to a judge. A personal appearance may be required, but the judge can talk to the officer and give an oath or affirmation remotely, by telephone. If the warrant is issued remotely, transmitted by electronic means to an officer, both copies of the judge and officer will be considered a duplicate original.

A system for electronic warrants, especially after hours, can be very helpful. To set up a system, refer to Rule 5-211 (F). Keep in mind the importance of security; a judge has to be able to verify the person requesting a warrant is a law enforcement officer. An authorized signature can be a copy of the original signature or one that is computer generated.

- - - Elliott Guttman, Law Enforcement Academy



You happen to have a fax machine with a Looooong extension cord?....