

**BENTON & FRANKLIN COUNTIES SUPERIOR COURT
JUDICIAL RESOLUTION NO. 24-002
AUTHORIZING ELECTRONIC WARRANT APPLICATIONS**

WHEREAS, RCW 10.79.035 authorizes the courts in this state to consider warrant applications submitted electronically; and

WHEREAS, CrR 2.2 and 2.3 have been amended by the Supreme Court implementing the provisions of RCW 10.79.035 ; and

WHEREAS, based upon a pilot program that was implemented in 2014, the feasibility of electronically submitted warrant applications has been demonstrated; and

WHEREAS, on October 1, 2017 Benton and Franklin Counties Superior Court began accepting electronic warrants for consideration; **NOW THEREFORE,**

BE IT RESOLVED, Benton and Franklin Counties Superior Court shall accept for consideration warrants submitted electronically as follows:

1. **Types of Warrants:** All warrant applications may be submitted electronically. Emergency and non-emergency warrant applications may be submitted electronically.
2. **Hours Available: Non-emergency.** Non-emergency electronic warrant applications will be reviewed during business hours. Applications for non-emergency warrants can be submitted at any time. The applicant shall not call either Court Administration or a judicial officer to bring the application to the attention of a judicial officer. Rather, the applicant should simply send the application to the e-mail address stated below, and wait for a response.
3. **Hours Available: Emergency.** Applications for emergency or time-sensitive warrants may be submitted at any time. They are initiated by the submission of

an application electronically with the word “EMERGENCY” in the subject line. The officer submitting the application may either immediately call a judicial officer in accordance with the Telephonic Search Warrant Protocol, or may wait to see whether or not the application is reviewed without a call. Calls to judicial officers during business hours, i.e. 8 a.m. to 5 p.m., will be to his/her cellular telephone number. Officers shall follow the Telephonic Search Warrant Protocol. The timing of the call is left entirely within the discretion of the officer.

During business hours law enforcement officers still have the option of coming to Court Administration and requesting an in-person presentation to a judicial officer, subject to the availability of a judicial officer.

4. **Law Enforcement Agencies:** All law enforcement agencies in Benton and Franklin Counties, including the Washington State Patrol, may submit electronic warrant applications.
5. **Sworn Testimony:** Applications will not be supported by affidavits. Rather, applications will be supported by declarations, as authorized under GR 13. The Prosecuting Attorneys offices in Benton and Franklin Counties will develop the necessary forms.

a. Declaration Requirements. Declarations must:

- (a) Recite that it is certified or declared by the person to be true under penalty of perjury;
- (b) State the date and place of its execution; and
- (c) State that it is so certified or declared under the laws of the state of Washington.

b. Certification. The certification or declaration should be in substantially the following form:

"I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct":

(Date and Place of
Signing)

(Signature)

c. Signature: In complying with this protocol, electronic signatures shall be used pursuant to RCW 9A.04.110 and GR 30(a)(4) "Electronic signature."

d. Additional Information included with the electronic signature: the application declaration shall include the officer's full name, department or agency, and badge or personnel number with the electronic signature;

e. Additional Information to precede the Certification:

"This declaration was submitted to the issuing judge using an electronic device that is owned, issued, or maintained by the below-identified criminal justice agency. when electronically submitted."

6. Email Address: Benton County IT has created a single address for all electronic warrant applications. Warrant applications may be sent only to SCsearchwarrants@co.benton.wa.us .

7. Stale Warrant Applications: Warrant applications will become stale after 48 hours, excluding weekends and holidays. At the expiration of that period, the submitting officer will recall the message in Outlook. The officers can then re-submit it with a new e-mail, call for a telephonic warrant, or travel to the courthouse or travel to a judicial officer's location.

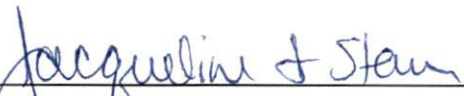
8. Requests for Clarification: If further information is necessary, the judicial officer will e-mail the officer requesting clarification, or arrange for a telephone call to discuss the matter. The officer's response must be in the form of a revised

signed declaration and/or warrant.

9. **Judicial Officer Duplication of Efforts:** The first judicial officer to read an application must immediately send a message to other judicial officers advising of such. This will prevent two judicial officers from reviewing the same warrant application.
10. **Signing of Warrants:** The judicial officer will not sign a warrant. He/she will authorize the officer to do so on behalf of the judicial officer.
11. **Naming of Attachments.** Unique names will be assigned to all documents attached to e-mail applications for warrants, using the following naming protocol: Document description, followed by a dash, followed by agency initials, followed by a dash, followed by the case number, followed by a dash, followed by a digit identifying whether it is the first, second or third, etc. warrant application for the case. Where the application and warrant are submitted as a single attachment, the document description shall be "Application and Warrant". Examples: "Warrant Application-FCSO-13-058546-1" and "Application and Warrant-FCSO-13-058546-1".
12. **Filing Documents with Clerk:** Every document created in the process, including e-mails, declarations, warrants, draft warrants, draft declaration and return will be filed with the appropriate superior court clerk. If a warrant is recalled for any reason and re-submitted, all e-mails, with attachments, and other documents associated therewith shall be filed with the appropriate superior court clerk, as well.
13. **Process Monitoring.** Experience has shown that existing stock warrant forms often contain language which results in the requested warrant being overbroad. This language is regularly modified at the request of an issuing judge, but the existing stock warrant forms apparently remain unchanged. Therefore, whenever a judicial officer requires substantial revision to a warrant, it

is requested that the officer forward the judge's response to his/her supervisor. The supervisor will be responsible for reviewing warrant applications to identify, and then remedy, systemic problems. It is requested that every law enforcement agency appoint one or more supervisors to perform the monitoring function described above.

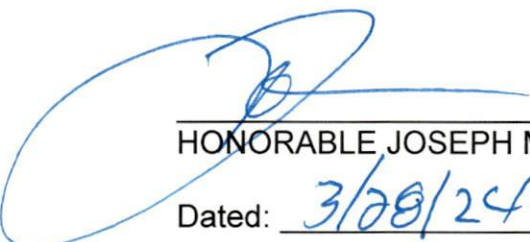
BE IT FURTHER RESOLVED that Judicial Resolution 17-004 is hereby rescinded.


HONORABLE JAQUELINE I. STAM
PRESIDING JUDGE

Dated: 3/28/24


HONORABLE DIANA N. RUFF
ASSISTANT PRESIDING JUDGE

Dated: 3.28.24


HONORABLE JOSEPH M. BURROWES

Dated: 3/28/24


HONORABLE JACKIE SHEA-BROWN

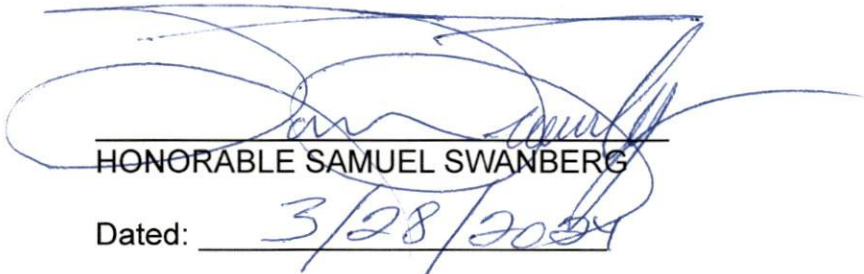
Dated: 3-28-2024


HONORABLE DAVID L. PETERSEN

Dated: 3/28/24


HONORABLE NORMA RODRIGUEZ

Dated: 3/29/24


HONORABLE SAMUEL SWANBERG

Dated: 3/28/2024