

CHIEF JUDGE DIRECTIVE 12-01

11th Judicial District, State of Colorado

E-MAIL WARRANTS

This Chief Judge Directive establishes procedures for obtaining approval of arrest and search warrants via e-mail pursuant to the authorization contained in § 16-1-106, C.R.S.; Crim.P. 41(c)(3); and Crim.P. 4.2. The intent is to provide an alternative to facsimile transmission or personal appearance; to eliminate or reduce the need for the court to provide fax machines at the residences of judicial officers; and to permit both peace officers and judicial officers to process requests for search and arrest warrants whenever and wherever they have internet and e-mail capability. The following procedure shall be utilized for this purpose:

1. The peace officer seeking the warrant will prepare the affidavit and a proposed form of warrant as two separate documents in editable format. “Editable format” means using MS Word, WordPerfect, or plain text. The jurat – “Subscribed and sworn to . . .” – should include the correct date and “by telephone” rather than “before me”.
2. The peace officer will contact a judicial officer by telephone. Depending upon which judicial officer is contacted and the judicial officer’s location when contacted, the judicial officer may require the affidavit and warrant to be sent by e-mail pursuant to the following procedures - or by fax or in person. The peace officer will swear to, or affirm, the affidavit by administration of the oath over the telephone by the judicial officer. (If the peace officer and the judicial officer agree to send the affidavit and warrant by fax, the peace officer will print and sign the affidavit and fax the affidavit and warrant to the judicial officer as in the past.)
3. The peace officer will sign the affidavit with an electronic signature. An “electronic signature” may consist of an actual signature made on a tablet, a pasted image of an actual signature, or a typed signature in the format “/s/ Officer’s Name”.
4. The peace officer will send the signed affidavit and the proposed form of warrant to the Court’s e-mail address for warrants [11oncalljudge@judicial.state.co.us] as an e-mail attachment.
5. The judicial officer will review the affidavit and proposed form of warrant. The judicial officer will open the attachment(s) and sign the jurat with an electronic signature. If approved, the judicial officer will sign the warrant with an electronic signature. In the case of an

arrest warrant, the judicial officer will also have to enter a bond amount and any special bond conditions.

6. The judicial officer, if possible, will convert and save the executed affidavit and warrant in read-only .pdf format before forwarding them to the clerk of the court and the peace officer.

7. The judicial officer will then e-mail the signed affidavit and warrant, as two separate attachments, to the clerk of the court in the county with proper venue. At the same time, the judicial officer will send a copy of the e-mail with the attachments back to the peace officer. The peace officer may print a copy of the affidavit and warrant for use in executing the warrant. The officer shall complete a return in paper format and file it with the clerk. The clerk of each court may establish a separate e-mail address specifically for the receipt of e-mail affidavits and warrants from judicial officers, with the approval of SCAO.

9. The clerk will print the electronically executed affidavit and warrant and mark that copy as the "original." In either event, the clerk may process the affidavit and warrant upon receipt of the e-mail attachments pending filing of the "original" by the judicial officer.

IT IS SO ORDERED by the Court this 9th day of February, 2012.

/s/ C. M. Barton

C.M. Barton

Chief Judge, 11th Judicial District