

**ORDER REGARDING
ON-CALL JUDGE AND
ELECTRONIC
WARRANTS**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2013-02
Amended 6-2-14**

This administrative order describes the process to be used to submit documents to the 12th Judicial District's On-Call Judge. This process is created pursuant to Chief Justice Directive 95-01 as amended August 17, 2012, which provides that the Chief Judge "shall require that there is an on call and emergency schedule for judicial officers to be available." ¶4(a)(ii). In addition, C.R.S. § 16-1-106 and Colo. Rule of Crim. P. 41 allow the court to act on electronically transmitted applications for search and arrest warrants.

General Guidelines:

The 12th Judicial District will always have an On-Call Judge available during non-business hours, and when a judge is on vacation or otherwise unavailable, to handle arrest warrants, search warrants and warrantless arrest affidavits.

The On-Call Judge will be available by telephone at 719-589-7654 and at the On-Call Judge email address which is: 12onCallJudge@judicial.state.co.us.

During normal business hours, a Law Enforcement Officer who needs a judge's signature should first contact the Court Clerk's Office for the appropriate county. If the judge is available at the courthouse, the court clerk will inform the officer how to bring the documents to the judge's attention. If the judge is not available at the courthouse, the court clerk will inform the officer so the officer can then use the On-Call Judge process to obtain a judge's signature.

The On-Call Process:

There are three processes for submitting a document to the On-Call Judge depending on the type of document: 1) application for a search warrant or an arrest warrant; 2) application for a blood draw search warrant in a DUI and 3) warrantless arrest affidavit. The three processes are detailed below:

1. Process to submit an application for a SEARCH WARRANT or an ARREST WARRANT:

- A. The Law Enforcement Officer contacts the appropriate Deputy District Attorney for the county of venue (as shown on attached Exhibit A) and emails an affidavit setting forth the probable cause for the arrest or the search to the Deputy District Attorney. The Law Enforcement Officer should have already electronically signed the affidavit.

- B. The Deputy District Attorney will approve the affidavit or will recommend changes. If changes are recommended, the Law Enforcement Officer will submit a modified affidavit with the officer's digital signature.
 - C. Once the Deputy District Attorney approves the affidavit, the Deputy District Attorney will email the affidavit together with a search or arrest warrant in PDF format to: 12onCallJudge@judicial.state.co.us and will cc: this email to the requesting Law Enforcement Officer. The Deputy District Attorney will include the requesting Law Enforcement Officer's name, cell phone number and email address in this communication.
 - D. When the Law Enforcement Officer receives the email from the Deputy District Attorney, the Officer will contact the On-Call Judge at 719-589-7654 (this number will ring on the On-Call Judge's Cell Phone) to inform the Judge about the warrant.
 - i. If THERE IS AN EMERGENCY or EXIGENT CIRCUMSTANCES requiring that the warrant be signed immediately, the requesting Law Enforcement Officer may call the On-Call Judge at any time.
 - ii. If THERE IS NO EMERGENCY, the requesting Law Enforcement Officer should not call the On-Call Judge after 10 P.M. or before 6:00 A.M.
 - iii. The Law Enforcement Officer may have to call the On-Call Judge number a few times to reach the On-Call Judge. The Law Enforcement Officer may leave a message with a phone number where the Law Enforcement Officer can be reached and the On-Call Judge will return the call. The Law Enforcement Officer should continue to call the On-Call Judge number until the On-Call Judge answers.
 - E. The On-Call Judge will review the affidavit and will require the Law Enforcement Officer to affirm the truth of the contents of the affidavit over the telephone.
 - F. If the On-Call Judge finds probable cause, the On-Call Judge will electronically sign the search or arrest warrant and email the documents to the requesting Law Enforcement Officer, the Deputy District Attorney and the appropriate Court Clerk for filing. The Law Enforcement Officer should print the signed documents which include the official warrant and execute the warrant.
 - G. If the On-Call Judge does not find probable cause, the On-Call Judge will communicate this finding to the requesting Law Enforcement Officer either by telephone or email. The requesting Law Enforcement Officer should consult with the Deputy District Attorney concerning whether any modifications to the affidavit can be made and whether modified documentation should be submitted to the On-Call Judge.
2. Process to submit an application for a BLOOD DRAW SEARCH WARRANT in a DUI:
- A. The Law Enforcement Officer should prepare an "Affidavit and Application for Search Warrant" for a DUI Blood Draw Search Warrant. (It is recommended that officers use the search warrant template created by the local office of the Colorado State Patrol). In addition, the Officer should prepare a proposed search warrant and a return and inventory form.
 - B. The Law Enforcement Officer digitally signs the affidavit.
 - C. The Law Enforcement Officer converts the signed affidavit, the search warrant and the return and inventory to PDF format (if they are not already in PDF format) and emails the

documents to the On Call Judge. The subject line of the email should identify the County of Venue and the subject person. The email must be submitted to the On-Call Judge at: 12onCallJudge@judicial.state.co.us.

- D. The Law Enforcement Officer will contact the On-Call Judge at 719-589-7654 (this number will ring on the On-Call Judge's Cell Phone) to inform the Judge about the warrant.
 - i. If THERE IS AN EMERGENCY or EXIGENT CIRCUMSTANCES requiring that the blood draw warrant be signed immediately, the requesting Law Enforcement Officer may call the On-Call Judge at any time.
 - ii. If THERE IS NO EMERGENCY, the requesting Law Enforcement Officer should not call the On-Call Judge after 10 P.M. or before 6:00 A.M.
 - iii. The Law Enforcement Officer may have to call the On-Call Judge number a few times to reach the On-Call Judge. The Law Enforcement Officer may leave a message with a phone number where the Law Enforcement Officer can be reached and the On-Call Judge will return the call. The Law Enforcement Officer should continue to call the On-Call Judge number until the On-Call Judge answers.
- E. The On-Call Judge will review the affidavit and will require the Law Enforcement Officer to affirm the truth of the contents of the affidavit over the telephone.
- F. If the On-Call Judge finds probable cause to issue the Blood Draw Search Warrant, the On-Call Judge will electronically sign the search warrant and email the documents to the requesting Law Enforcement Officer and the appropriate Court Clerk for filing. The Law Enforcement Officer should print the signed documents which include the official warrant and execute the Blood Draw Search Warrant.
- G. If the On-Call Judge does not find probable cause, the On-Call Judge will communicate this finding to the requesting Law Enforcement Officer either by telephone or email. The requesting Law Enforcement Officer should consult with the On-Call Deputy District Attorney concerning whether any modifications to the affidavit can be made and whether modified documentation should be submitted to the On-Call Judge.

3. Process to submit WARRANTLESS ARREST AFFIDAVITS:

- A. There must be a judicial determination of probable cause within forty-eight (48) hours of a warrantless arrest. If a judge is presented with a warrantless arrest affidavit more than forty-eight (48) hours from the time of the warrantless arrest, the judge may release the defendant on a personal recognizance bond or may dismiss the charges. Therefore, the arresting officer or his or her designee must present a warrantless arrest affidavit to a judge to sign within forty-eight (48) hours of the arrest. (Note—weekends and holidays ARE INCLUDED in the calculation of the forty-eight (48) hours.)
- B. After making a warrantless arrest, a Law Enforcement Officer should prepare a warrantless arrest affidavit and digitally sign it.
- C. The requesting Law Enforcement Officer must convert the warrantless arrest affidavit to PDF format, if it is not already in PDF format. The Law Enforcement Officer emails the warrantless arrest affidavit with an email subject line that identifies the County of Venue and the subject person. The email must be submitted to the On-Call Judge at: 12onCallJudge@judicial.state.co.us .

- D. The On-Call Judge will review the contents of the email inbox at 12onCallJudge at least once every twenty-four (24) hours. The On-Call Judge will review all warrantless arrest affidavits that are in the 12onCallJudge inbox.
- E. If the On-Call Judge determines there is probable cause to hold a defendant pursuant to a warrantless arrest affidavit, the On-Call Judge will so indicate on the warrantless arrest affidavit, digitally sign the affidavit, and email the signed affidavit to the requesting Law Enforcement Officer as well as to the County Jail or detention facility for the county of venue (See attached Exhibit B) and to the appropriate Court Clerk for filing.
- F. If the On-Call Judge determines there is not probable cause to hold a defendant pursuant to a warrantless arrest affidavit, the On-Call Judge will so indicate on the warrantless arrest affidavit, digitally sign the affidavit, and email the signed affidavit indicating that there is not probable cause to the requesting Law Enforcement Officer as well as to the County Jail or detention facility for the county of venue (See attached Exhibit B) and to the appropriate Court Clerk for filing. The On-Call Judge will indicate in the body of the email to the requesting Law Enforcement Officer that the judge did not find probable cause to hold the defendant.
- G. If the On-Call Judge determines there is not probable cause to hold a defendant, the requesting Law Enforcement Officer may modify the warrantless arrest affidavit and re-submit it to the On-Call Judge. The requesting Law Enforcement Officer should contact the Deputy District Attorney assigned to the county of venue (See attached Exhibit A) if there are questions concerning how to modify the warrantless arrest affidavit.
- H. If the requesting Law Enforcement Officer has not received a signed warrantless arrest affidavit within twenty-four (24) hours of submitting the warrantless arrest affidavit to the On-Call Judge, the requesting Law Enforcement Officer should contact the On-Call Judge by telephone at 719-589-7654.

Responsibilities of the District Administrator, Judges and Clerks:

The District Administrator of the 12th Judicial District, or her designee, will program the On-Call Judge telephone number, 719-589-7654, to ring to the appropriate cell phone number for the On-Call Judge. The District Administrator or her designee will remind the designated On-Call Judge, by email, that the judge is on-call.

The assigned On-Call Judge will be available by telephone and have access to the OnCallJudge email inbox, twenty-four (24) hours a day throughout the time the judge is on-call. If the designated On-Call Judge will not be available for an emergency or other reason, the On-Call Judge will contact the District Administrator who will immediately arrange for another judge to serve as On-Call Judge and will program the on-call judge telephone number to ring to the substitute judge's cell phone number.

When the On-Call Judge signs a warrant or warrantless arrest affidavit, the On-Call Judge will save the warrant and the affidavit as PDF files so they cannot be edited after they have been signed. The signed warrant or warrantless arrest affidavit that the On-Call Judge emails to the Clerk of Court is the official original court record. The Judge will indicate in the Subject line of the email that the email contains a "warrant"

The Clerk of Court or designee shall print the documents submitted by the judge, including the cover email, and mark them “Original”. The documents will then be maintained in an appropriate court file:

- 1) Search warrants are maintained in a paper court record until such time as charges are filed against a defendant.
- 2) Arrest warrants and warrantless arrest affidavits are the initiating documents for a new District or County Court case.

Clerks who review the Court Clerks generic inbox will look for emails with “warrant” in the subject line and will process these emails first. This is because clerks must immediately enter arrest warrants in ICON/Eclipse/JPOD. Such warrants must be entered into the system as soon as possible and in no event should they be entered more than two (2) hours after the warrants were signed or, if the warrants were signed during non-business hours, the beginning of business on the next business day after the warrants were signed.

Originally signed on July 15, 2013, and now amended with updated attachments on June 2, 2014.

BY THE COURT:



Pattie P. Swift
Chief Judge
12th Judicial District

EXHIBIT A

On-Call Deputy District Attorneys

The following list is intended to assist the On Call Judge and Law Enforcement to contact the correct Deputy District Attorney for filing electronic warrants.

Alamosa County Court - DDA Robert Willett rwillett@da12.state.co.us cell 719 588-0661

Alamosa District Court - CDDA Crista Newmyer-Olsen cnewmyer-olsen@da12.state.co.us
cell 719 588-2888

Conejos & Costilla County and District Court - DDA Robert White rwhite@da12.state.co.us
cell 719 588-8177

Rio Grande and Saguache District Court - DDA Mark Loy mloy@da12.state.co.us
cell 719-480-2735

Rio Grande, Saguache and Mineral County Court - DDA Erinn Benkelman
and Juvenile Court ebenkelman@da12.state.co.us
cell 719 480-1856

Try to contact the DDA who is responsible for the county in question first. If you cannot reach him or her, contact David Mahonee at dmahonee@da12.state.co.us - cell 719 480-3691.

Please do not release this information to anyone outside of law enforcement.

EXHIBIT B

Email Addresses for 12th Judicial District Detention Facilities/Jails

Alamosa: jail@alamosacounty.org

Saguache: jail@saguachecounty-co.gov

Rio Grande: booking@riograndecounty.org

Costilla: costillacountyso@yahoo.com

Conejos: preston.baker@co.conejos.co.us and alison.mondragon@co.conejos.co.us

Mineral: None

Signed Juvenile Warrantless Arrest Affidavits should be sent to:

cindy.cotten@judicial.state.co.us and tyler.woods@judicial.state.co.us