

Enhancing Traffic Safety Through Enforcement and Technology:

Developing a Tribal Electronic Search Warrant System

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Learning Objectives

- ✓ Explain the public safety value of utilizing technology in obtaining a search warrant
- ✓ State the legal authority supporting the use of remote electronic means to obtain a search warrant
- ✓ Determine the necessary stakeholders and processes in developing a tribal electronic search warrant system



Why?

- ✓ Positively affect tribal safety
- ✓ Critical tool in respond to the trafficking of indigenous people
- ✓ Respond to emergent circumstances
- ✓ Consistency and predictability

Originated from the need to obtain search warrants quickly in impaired driving cases

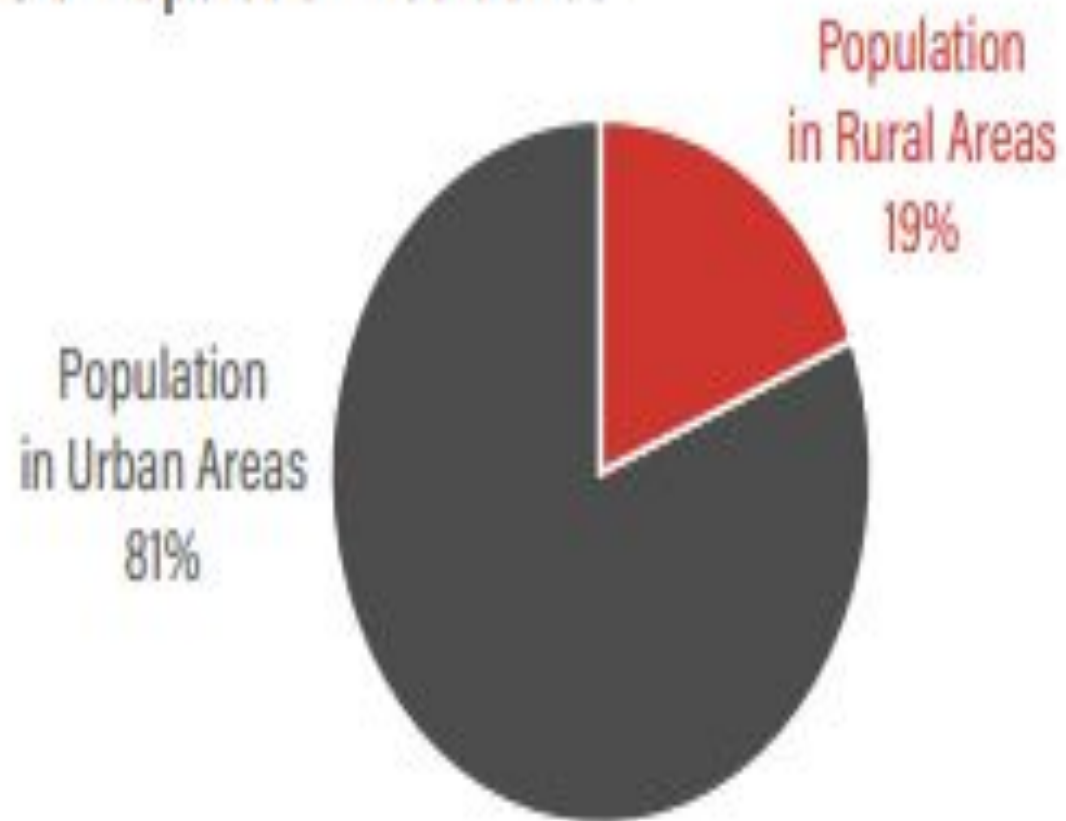


Time is of the Essence

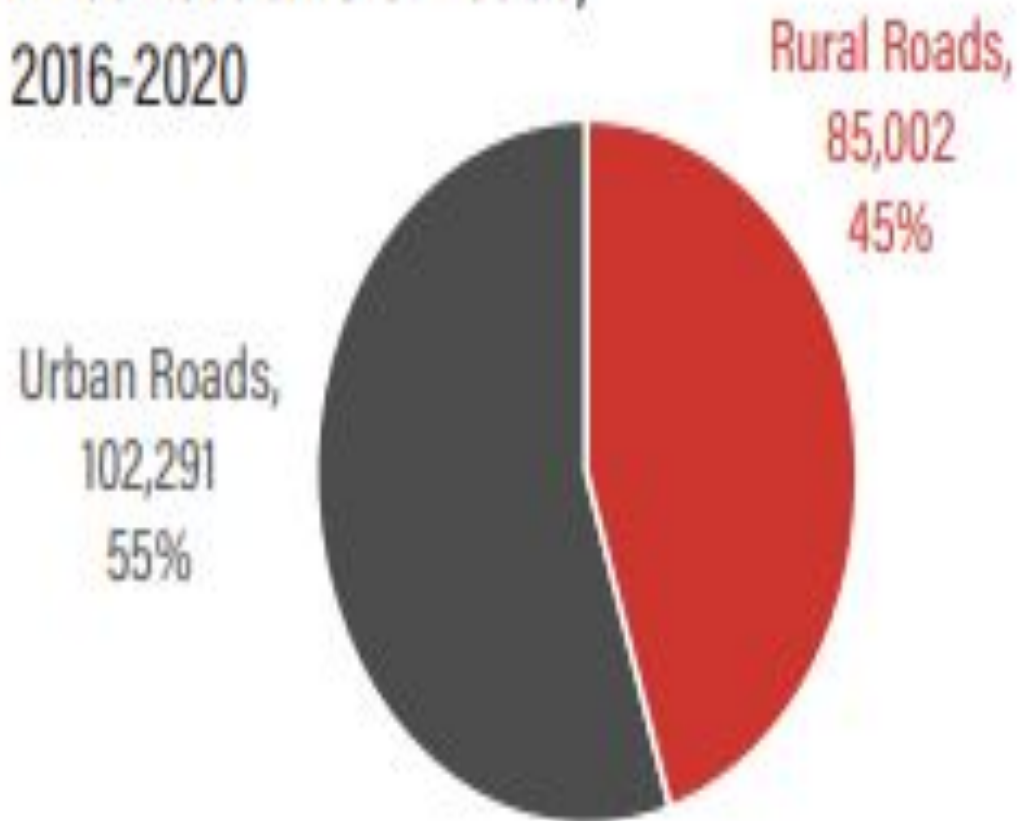
- Locate missing indigenous person
- Impaired driving blood draw
- Search for drugs and contraband
- Cell phone/location
- Arrest warrant
- Search property



Where We Live: U.S. Population Residence



Where We Die: Lives Lost on U.S. Roads, 2016-2020





Legal Concerns

- Is there any legal prohibition or limitation on the use of electronic means?
- Is there a requirement to preserve a copy of the warrant or to have a copy of the warrant available at the time of service?
- Who bears the burden when a facially valid search warrant is challenged?



25 U.S. Code §1302 – Constitutional Rights

No Indian tribe in exercising powers of self-government shall...

(2) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized

The Yurok Tribe

Tribal Code, 2.10.870 – Search Warrants

Every Court judge shall have the power to issue warrants for the search and seizure of the property and premises of any person under the jurisdiction of the Court.

(a) Every search warrant shall:

- (1) Identify and describe the specific property or place to be searched;
- (2) Identify and describe the items to be searched for and seized, and/or the person to be searched for...

(b) No search warrant shall be issued except upon a finding by the court of probable cause that the search to be authorized by the warrant will discover...

(evidence of the commission of a crime or a person subject to an arrest warrant)

(d) If the judge is satisfied that probable cause for the issuance of the warrant exists, the Court judge shall issue a search warrant commanding a search by any law enforcement officer of the person or place specified, for the items described.

“Well over a majority of States have innovated with technology-based developments that allow applications for search warrants to be made remotely through various reliable electronic means.”

Missouri v. McNeely, 569 U.S. 141 (2013)

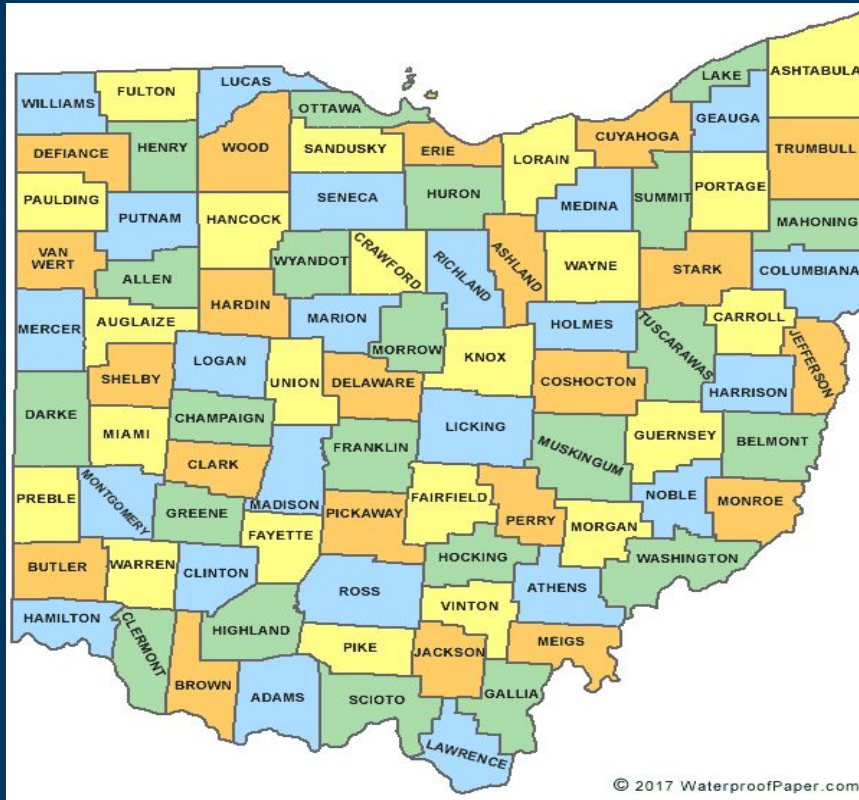
In The
e Court of the United

STATE OF MISSOURI,

v.

TYLER G. McNEELY

One County's Experience



Working Group

Tribal authorities

Law enforcement agencies

Clerk of Courts

Prosecutors

IT

Court administration

Judicial staff

Judges

BIA



Working Group Considerations

- ✓ System security and integrity
- ✓ Equipment
- ✓ Workflow
- ✓ Access by law enforcement, prosecutors and judicial officers
- ✓ Law enforcement administration
- ✓ Prosecutor approval
- ✓ Contacting judge/judicial availability
- ✓ Administering oaths
- ✓ Signatures
- ✓ Retention
- ✓ Cost allocation



- Tribal and community safety
- Efficiency
- Saves time and money
- Allows officers to quickly return to service
- Eliminates errors
- Improves records management
- Reduces disruptions to judges and court staff

Potential Prosecutorial Concerns

Reviewing/approving the warrant

Access to system

Obtaining copies of signed affidavits/warrants



Law Enforcement Concerns

Ease of use

Security

Training

Contacting prosecutors and the court

Equipment needs

Templates

Cost



System Integrity and Security



Maintaining Integrity and Security

Defense
receives same
information as
when signed
in person
Eliminates
potential for
scrivener's
errors

Signals when
warrant
previously
rejected

“End to end”
encryption

Two-factor
security/identi
fication

Variety of Available Systems

- E-mail
- Google docs
- DocuSign
- Warrant Now 2.0
- ezWarrant



Questions for Potential Vendor

Is the system law enforcement based or business based?

Are individual licenses needed?

Is the workflow customizable?

Is the utilized application encrypted?

Is metadata retained?



Who are the
potential
stakeholders?



Establishing Buy-In

- ✓ Meeting with Chiefs Association
- ✓ Judicial meeting called by Presiding Judge
- ✓ Collaboration with prosecutors
- ✓ Informing Clerks of Court
- ✓ Pilot with one judge and three police agencies



Law Enforcement Process

- ✓ Each law enforcement agency assigns an administrator
- ✓ Administrator authorizes officer's access to system
- ✓ Training by vendor





Prosecutor Approved Templates

General template
Electronic devices
Non-consensual entry
DUI blood sample
Facebook/Snapchat
Google
DNA

System Administrator

Recommend a staff member knowledgeable about the search warrant process

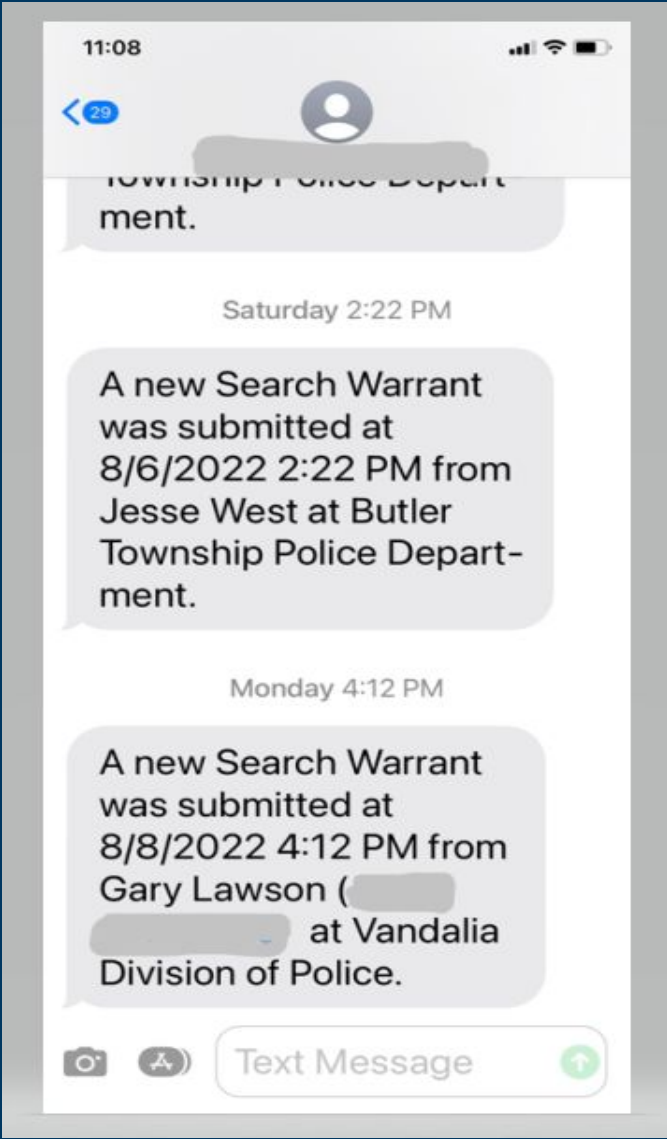
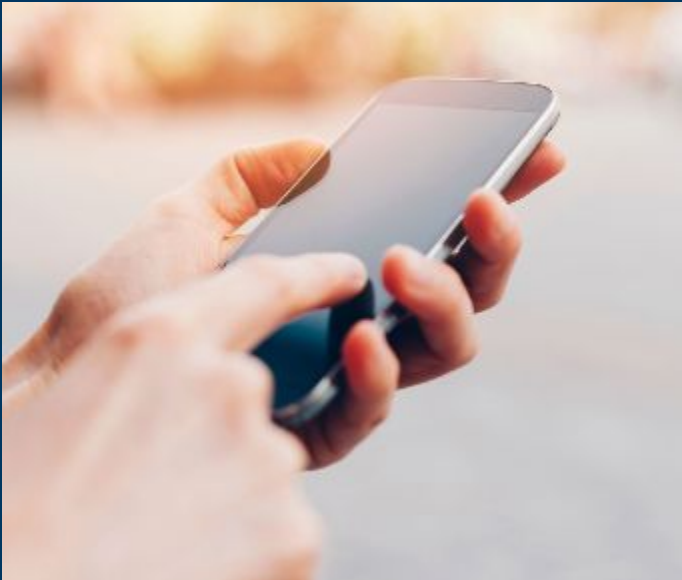
Assist in on-boarding law enforcement and judicial officers

Serve as liaison between courts, prosecutors, law enforcement and vendor

The Process

- ✓ Officer accesses portal from any web-enabled device
- ✓ Officer completes template or uploads a Word document
- ✓ Prosecutor approves warrant (if required)
- ✓ System contacts judge via text, e-mail or phone call

The Judicial Process



Status Show Converted to Portfolio Documents Show Expired

Type here to filter documents

	Submitted Date/Time	Document Type	Description	Submitted by Agency	Submitted by User	Assigned User	Completed Date/Time	Status	
<input type="checkbox"/>	8/12/2022 8:00:54 PM	Search Warrant	Secondary Storage Unit f...	Butler Township Police D...	Troy Dexter	E. Gerald Parker		In Review	☰
<input type="checkbox"/>	8/12/2022 8:19:52 PM	Search Warrant	Storage Unit Search Warr..	Butler Township Police D...	Troy Dexter	Kimberly A. Melnick	8/12/2022 8:33:10 PM	Signed	☰
<input type="checkbox"/>	8/10/2022 2:20:46 PM	Search Warrant	search warrant Google	Washington Twp Police D...	Victoria Dingee	Mary E Montgomery	8/10/2022 2:54:14 PM	Signed	☰
<input type="checkbox"/>	8/9/2022 11:01:42 AM	Search Warrant	OVI Med Rec	Vandalia Division of Police	Michael Hulbert	Kimberly A. Melnick	8/9/2022 11:44:34 AM	Signed	☰
<input type="checkbox"/>	8/9/2022 9:11:55 AM	Search Warrant	OVI Med Rec SW	Vandalia Division of Police	Michael Hulbert	Kimberly A. Melnick	8/9/2022 10:46:56 AM	Rejected	☰
<input type="checkbox"/>	8/8/2022 4:12:02 PM	Search Warrant	test warrant-vandalia pd	Vandalia Division of Police	Garry Lawson	Mary Katherine Huff...	8/8/2022 4:23:07 PM	Signed	☰
<input type="checkbox"/>	8/8/2022 9:18:56 AM	Search Warrant	Google Fiber SW Affidavit	US Marshals Service - So...	Daniel L. Tebo	E. Gerald Parker	8/8/2022 9:32:08 AM	Signed	☰
<input type="checkbox"/>	8/8/2022 9:18:04 AM	Search Warrant	Google LLC	US Marshals Service - So...	Daniel L. Tebo	E. Gerald Parker	8/8/2022 9:31:53 AM	Signed	☰
<input type="checkbox"/>	8/6/2022 2:22:00 PM	Search Warrant	Amazon Search Warrant	Butler Township Police D...	Jesse West	Mary Katherine Huffman	8/6/2022 3:03:31 PM	Signed	☰
<input type="checkbox"/>	8/6/2022 12:45:46 PM	Search Warrant	storage warrant	Butler Township Police D...	Jesse West	Mary Katherine Huffman	8/6/2022 12:47:36 PM	Signed	☰
<input type="checkbox"/>	8/6/2022 10:48:31 AM	Search Warrant	Cellular Telephone belon...	Butler Township Police D...	Troy Dexter	Richard S Skelton	8/6/2022 1:00:18 PM	Rejected	☰

2024 Data



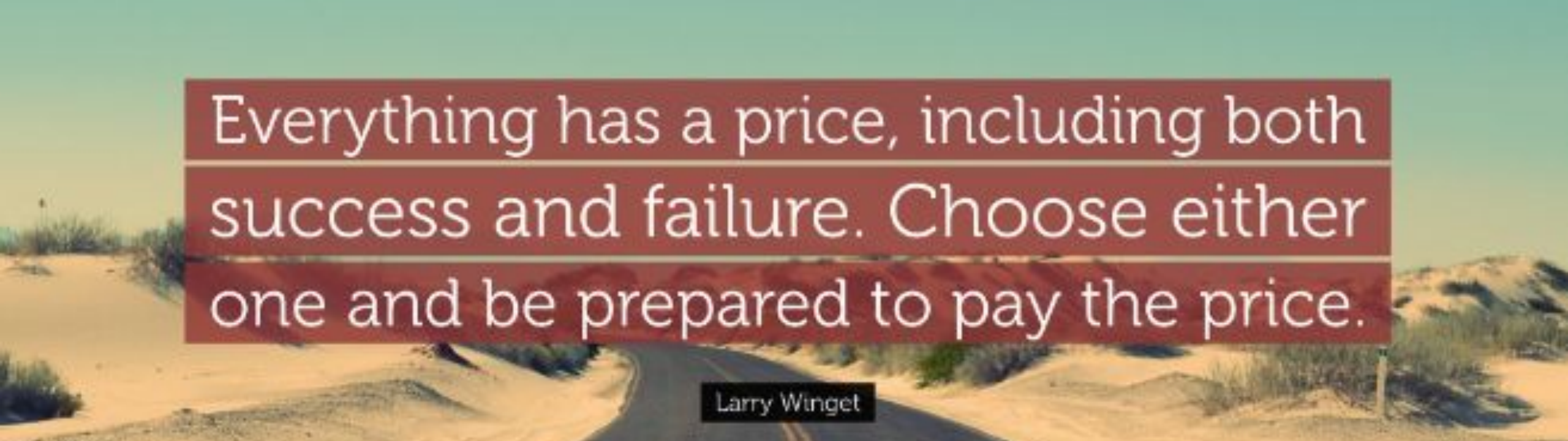
- ✓ 919 warrants processed through Aug.13
- ✓ Submitted by 33 law enforcement agencies
- ✓ Average time for completion of emergency warrants: 6 minutes

Fiscal Responsibility

Total warrants per year (approx.) 2,670
Estimated cost savings per year \$93,450
(1 hour of time x \$35/hour x 2,670 warrants)

Annual cost to Montgomery County \$25,200



A photograph of a desert landscape with a winding asphalt road. The scene is overlaid with a large, semi-transparent red rectangular box containing white text. The text reads: "Everything has a price, including both success and failure. Choose either one and be prepared to pay the price." Below the red box, centered on the road, is a small black rectangular box with the name "Larry Winget" in white text.

Everything has a price, including both success and failure. Choose either one and be prepared to pay the price.

Larry Winget

Financing the System

Starting the process

- Consult with tribal elders
- Form a working group
- Explore funding sources
- Meet with tribal leaders and other stakeholders
- Select a vendor
- Pilot the project to customize system
- Publicize to all users
- Training



How can an electronic search warrant system help you?

Resources Available from Responsibility.org

eWarrants Report



eWarrants Implementation Guide

Read this guide to understand the importance of eWarrants.




Executive Summary

Discover why we created this eWarrants guide and why it's needed.



Legislative Checklist

This checklist outlines what's most critical for supporting eWarrants.



IMPROVING DUI SYSTEM EFFICIENCY:

A Guide to Implementing Electronic Warrants

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FOUNDATION FOR
ADVANCING ALCOHOL
RESPONSIBILITY

THE JUSTICE THINK
MANAGEMENT INSPIRE
INSTITUTE CHANGE

Report prepared by Elaine Borakove & Rey Banks, Justice Management Institute



Questions?

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