

Electronic Warrants

Background

Delayed or rejected warrants for blood testing in impaired-driving cases, particularly those involving drugs (DUID), create a significant obstacle to obtaining the evidence necessary for a successful prosecution. Traditional, paper-based warrant processes are often slow, cumbersome, and act as a barrier to timely specimen collection. The implementation of electronic warrant (e-warrant) systems drastically reduces the time needed to issue a warrant from hours to minutes, securing critical evidence, increasing conviction rates, and serving as a proven deterrent against impaired driving.

The Challenge: Time-Sensitive Evidence and Antiquated Processes

Impaired-driving evidence is unique because it degrades rapidly, posing a major challenge to the criminal justice system:

- **Delayed Sample Collection:** Alcohol and many other drugs metabolize quickly. When a suspect refuses a breath or blood test, law enforcement must obtain a warrant to compel a blood draw. The time lag between the refusal, finding a judge, securing the warrant, and drawing the blood often leads to:
 - **Loss of Evidence:** A suspect's blood alcohol concentration (BAC) or drug concentration may fall below the legal limit by the time the blood is drawn, making successful prosecution difficult or impossible.
 - **Underreporting of Drug Impairment:** DUID cases are highly reliant on rapid blood analysis, as many drugs, such as THC (the psychoactive compound in cannabis), are cleared from the blood faster than alcohol. Delays disproportionately undermine DUID cases.
 - **The Logistical Nightmare:** The traditional process requires a police officer to physically drive to a judge, often in the middle of the night or across great distances in rural areas, to present a sworn affidavit. This takes officers off patrol and judges away from other duties, wasting scarce resources.



The Solution: Electronic Warrant Systems

E-warrant systems leverage technology to streamline the warrant process, creating a secure, immediate link between law enforcement and the judiciary:

- **Speed and Efficiency:** An e-warrant system allows an officer to complete an affidavit digitally. The request is instantly transmitted to an on-call magistrate or judge, who can review the document, digitally sign it, and return it to the officer in the field—often in under 15 minutes.
- **Secure and Legally Sound:** The systems use secure networks and digital signatures to meet the Fourth Amendment requirements for probable cause. The digital audit trail ensures all steps are recorded, improving accountability.
- **Standardization and Training:** E-warrant software often includes standardized templates, checklists, and mandated fields, ensuring the officer provides all necessary probable cause elements, thus minimizing technical rejections and procedural delays.
- **Better Resource Management:** E-warrants eliminate the need for officers to transport suspects and drive to a courthouse, allowing judges to review requests remotely.

Policy Recommendation

States should authorize e-warrants to expedite the collection of physical evidence of DUID cases when a warrant is required.

Additionally, in order for states to further ensure their e-warrant program's effectiveness, states should do the following:

- **Ensure 24/7 Judicial Coverage:** The judicial branch must establish a protocol for **round-the-clock, rapid-response judicial availability** to review warrant applications. The e-warrant system is only effective if judges and magistrates are accessible to sign warrants as soon as they are submitted.
- **Prioritize Impaired-Driving Warrant Training:** The implementation of the new system must be accompanied by **comprehensive, recurring training** for both law enforcement (on drafting sufficient probable cause affidavits) and judicial personnel (on rapid, legally sound review).
- **Promote Data-Driven Enforcement:** Implement data collection fields within the e-warrant system to track key metrics, such as **time-to-warrant-issuance** and **warrant acceptance rates**. These data points are crucial for evaluating the system's effectiveness and justifying continued investment.

Relevant Research

For more resources and tools visit newsroom.aaa.com/impaireddriving.

