

FILED

APR 21 2020

Steph L. Blum
CLERK OF COURT

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

IN THE ADMINISTRATIVE MATTER OF
ELECTRONIC APPLICATIONS OF SEARCH
WARRANTS, PEN REGISTERS, AND
WIRETAPS IN RESPONSE TO COVID-19

Administrative Order: 20-14

Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada charges the Chief Judge of the Eighth Judicial District Court with various responsibilities, such as supervising the administrative business of the EJDC, ensuring the quality and continuity of its services, supervising its calendar, reassigning cases as convenience or necessity requires, assuring the court's duties are timely and orderly performed, and otherwise facilitating the business of the EJDC.

In response to the COVID-19 health emergency, the Eighth Judicial District Court has implemented a series of administrative orders to implement social distancing, encouraged remote appearances, and suspended requirements to provide paper copies of documents. To continue to work efficiently and effectively and protect the health and wellbeing of our community through social distancing, I find that the District Court must streamline its process to electronically review applications for and issue search warrants, and to review applications for and issue orders for pen registers, trap and trace, stored communications, and communication interception.

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1 **I. Electronic Filing of Applications for Search Warrants and Court Orders**

2 Nevada law allows for a peace officer to apply for a search warrant remotely
3 through secure electronic transmission. NRS 179.045(2). Additionally, the District
4 Attorney and Attorney General or their deputies, supported by an affidavit of a peace
5 officer, can apply to the district court for an order authorizing using a pen register, using
6 a trap and trace device, or intercepting communications (wiretaps). NRS 179.530; NRS
7 179.460; NRS 179.470. The “judge may accept a[n]. . .electronic copy of the signature
8 of any person required to give an oath or affirmation as part of an application submitted
9 pursuant to this section as an original signature of the application.” NRS 179.470(4).
10

11 In addition to warrants, pens and wiretaps, the Stored Communications Act, 18
12 U.S.C. §2703(d), allows for applications for orders for certain kinds of communications
13 information. In the remainder of this Order, the collective group of items seeking
14 information through a court order will be referred to as “surveillance orders.” The
15 federal system also permits electronic submission and signing of warrants and
16 surveillance orders. Federal Rule of Criminal Procedure 41(d)(3) allows for electronic
17 submission of warrants and Federal Rule of Criminal Procedure 49 allows for electronic
18 signatures on other filings.
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20 Given the current health crisis and the law supporting electronic processing of
21 warrants and surveillance orders, all law enforcement agencies applying for warrants or
22 surveillance orders with a judge of the District Court shall do so electronically. Returns
23 and orders will also be filed electronically as set out below.
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25 **II. Electronic Signatures**

26 In the processing of applications for warrants and court orders for surveillance,
27 the District Court will accept and make use of electronic signatures. Under Nevada
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1 Revised Statutes 719.240(4), “[i]f a law requires a signature, an electronic signature
2 satisfies the law.” Additionally, “[e]lectronically issued court documents requiring a
3 court official’s signature may be signed electronically.” NEFCR 11(d).

4 “Electronic signature” means “an electronic sound, symbol, or process attached
5 to or logically associated with a record and executed. . .by a person with the intent to
6 sign the record.” NRS 719.100. Nevada Electronic Filing and Conversion Rule 11(a)
7 allows signatures to be typewritten as “/s/ signer’s name.” For the signing of
8 documents related to search warrants and court orders for surveillance, the District
9 Court will accept the typewritten signature as:
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11 /s/ officer’s first initial last name and badge number

12 For example: /s/J. Doe J1234D. The application may also be signed electronically with
13 officer’s actual signature.
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15 **III. Rotating Assignment for Handling Warrants**

16 To ensure work load balance, all judges of the civil/criminal division will be
17 responsible for taking week-long search warrant duty assignments, with two judges on
18 duty for any given week. Those judges will be responsible for the review of all warrant
19 and surveillance order applications during that week, both during the day and after
20 hours. The method of assignment is to be determined by the Chief Judge and the
21 Criminal Presiding Judge.
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23 **IV. Process for Obtaining Warrant or Court Order**

24 The District Court will accept electronically all applications for search warrants
25 and surveillance orders. The applications will be made through the following secure
26 electronic transmission procedure:
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1 (1) The officer will obtain approval of the search warrant application by the
2 appropriate prosecutorial agency, or obtain the application for a court order for
3 surveillance from the District Attorney or Attorney General.

4 (2) The officer will then contact the assigned search warrant judge at the provided
5 numbers. If the primary duty judge is not available, the officer will then contact
6 the secondary duty judge. If neither the primary or secondary duty judges are
7 available, the officer will contact the Presiding Criminal Judge. If the officer is
8 unable to reach the Presiding Criminal Judge, then the officer will contact the
9 Chief Judge. All warrants and requests for orders must go through this process.
10 Officers should not contact judges on their office, personal or home phones.

11 (3) Once the officer has made contact with one of the assigned judges, the judge will
12 swear in the officer over the phone. The affirmation will be as follows:

13 "Do you affirm under penalty of perjury that everything in this
14 application is true and correct to the best of your knowledge?"

15 (4) After being sworn in, the officer will electronically sign the warrant.

16 (5) The officer will then e-mail the entire packet, including the application, any
17 affidavit, the order or warrant, and any order for sealing. The documents must
18 be sent as one document in PDF Format. The packet must be sent from the
19 officer's official agency e-mail address to the e-mail established for this purpose.
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1 The subject line of the e-mail must include the designation of the type of
2 application as follows:

3 SW

4 Cell (this includes all hybrid court orders/warrants for historical cell data)

5 Pen (pen registers and trap and trace)

6 Wire (all intercepted communications)

7 After the designation, the subject line should contain the caption of the warrant.

8 For example, "SW - For 1234 Birch Ave." or "Pen - For 702-444-4444"

9 To ensure security, applications may not be directly e-mailed to a judge's official
10 e-mail or private e-mail. Also, warrants may not be emailed from a private e-
11 mail account and must be e-mailed from the agency e-mail of the officer
12 applying for the warrant.
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15 (6) The assigned judge will then review the application. If the application is
16 sufficient, the judge will sign the warrant or court order with an electronic
17 signature.

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19 (7) The assigned judge will then e-mail the search warrant back in PDF format to
20 the officer with the judge's electronic signature affixed.

21 (8) The officer will then be able to print and serve the warrant or court order. A
22 printed version of a warrant must be left at the premises under NRS 179.075(2),
23 and nothing in this Order should be read to change that obligation.

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25 **V. Returns and Filing**

26 After completion, the officer will send applications and orders for surveillance
27 and search warrants with returns electronically to the Court. The officer will e-mail the
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1 search warrant to the Clerk's Office at the email established by the Court for this
2 purpose.

3 As with the initial e-mail, the subject line of the e-mail must include the
4 designation of the type of application as follows:

5 SW

6 Cell (this includes all hybrid court orders/warrants for historical cell data)

7 Pen (pen registers and trap and trace)

8 Wire (all intercepted communications)

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10 After the designation, the subject line should contain the caption of the warrant.

11 For example, "SW - For 1234 Birch Ave." or "Pen - For 702-444-4444"

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13 Upon receipt of the e-mail, the Clerk's Office will file the documents.

14 **VI. Telephonic Applications for Search Warrants**


15 Telephonic applications for search warrants should be made to the same numbers
16 above and recorded as provided in Nevada Revised Statute 179.045(3). After the
17 warrant is served and the return completed, the warrant, transcript and return should be
18 sent electronically to the separate e-mail established for this purpose. The Clerk's
19 Office will then obtain the judge's signature and file the documents.
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1 **VII. Effective Date**

2 This process will be effective for the Las Vegas Metropolitan Police Department
3 and the Henderson Police Department upon filing. For other agencies, this process will
4 be voluntary until April 27, 2020, and mandatory thereafter.
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7 Entered this April 20, 2020.

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11 LINDA MARIE BELL
12 Chief Judge
13 Eighth Judicial District Court
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