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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE: AMENDMENTS TO LOCAL CRIMINAL RULES ("CrRs")	GENERAL ORDER

The Local Criminal Rules ("CrRs") of this Court are hereby amended as follows:

Rule CrR 41 is amended to read:

(a) Telephonic search warrant applications may be made to a full-time Magistrate unless otherwise ordered by a United States District Judge of this District.

(1) One Magistrate shall be designated at all times, on a rotating basis, to receive warrant applications.

(2) Whenever possible, the Magistrate shall have voice recording equipment available to record all telephonic applications for search warrants.

(b) A telephonic application for a search warrant shall only be made with the prior approval of the United States Attorney, or an Assistant United States Attorney, for this

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District. Whenever possible:

(1) The application shall be made by conference call in which both a law enforcement agent and an Assistant United States Attorney are able to converse with the Magistrate.

(2) Prior to calling the Magistrate, the law enforcement agent and the Assistant United States Attorney shall have agreed to a form of affidavit which can be read to the Magistrate verbatim insofar as circumstances permit.

(c) The Magistrate must decide whether it is reasonable to dispense with a written affidavit before authorizing a telephonic search warrant application. Among the factors the Magistrate may consider in making this determination are:

(1) Whether the agent can appear before the Magistrate during regular court hours;

(2) Whether the agent requesting a search warrant is a significant distance from the Magistrate;

(3) Whether the factual situation is such that it would be unreasonable for a substitute agent, who is located near the Magistrate, to present a written affidavit in person to the Magistrate in lieu of proceeding with a telephonic application; and

(4) The possibility that if a search warrant were not issued pursuant to the telephone application, there would be a significant risk that evidence would be destroyed.

(d) On the first court day following the issuance of a search warrant based on a telephonic application, the Magistrate shall have a duplicate tape made of the application, furnish that

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tape to the United States Attorney's Office who shall cause a transcription of the tape to be made and returned to the Magistrate.

(e) Deviation from the procedures set forth in this rule may be grounds for the Magistrate to refuse a warrant application, but shall not be grounds for a motion to suppress evidence that has been seized.

This amendment shall be effective immediately upon the filing of this Order.

Dated this 15th day of June, 1988.

BARBARA J. ROTHSTEIN
Chief United States District Judge

JACK E. TANNER
United States District Judge

JOHN C. COUGHENOUR
United States District Judge

CAROLYN R. DIMMICK
United States District Judge

ROBERT J. BRYAN
United States District Judge

WILLIAM L. DWYER
United States District Judge

THOMAS S. ZILLY
United States District Judge