

STATE OF WASHINGTON

COUNTY _____

COURT

STATE OF WASHINGTON,

Plaintiff,

v.

_____ ,

Defendant.

NO.

AFFIDAVIT IN SUPPORT OF SEARCH
WARRANT FOR EVIDENCE OF A CRIME,
TO WIT:

- DRIVING WHILE UNDER THE INFLUENCE, RCW 46.61.502
- PHYSICAL CONTROL OF VEHICLE WHILE UNDER THE INFLUENCE, RCW 46.61.504
- DRIVER UNDER TWENTY-ONE CONSUMING ALCOHOL, RCW 46.61.503

I, _____, being duly sworn and upon oath, depose and say--

I am a duly appointed, qualified, and acting law enforcement officer for the:

- Washington State Patrol
- _____ County Sheriff's Department.
- _____ Police Department.

I am charged with responsibility for the investigation of criminal activity occurring within _____, and have probable cause to believe, and do, in fact, believe, that

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evidence of the crime(s) of:

- Driving While under the Influence, RCW 46.61.502
- Physical Control of Vehicle While under the Influence, RCW 46.61.504
- Driver under Twenty-one Consuming Alcohol, RCW 46.61.503
- _____

is concealed in, about or upon the person of _____, who is currently located within the County of _____, my belief being based upon information acquired through personal interviews with witnesses and other law enforcement officers, review of reports and personal observations, said information being as further described herein--

My training and experience regarding investigations of the above- crime(s) is as follows:

The facts supporting the initial contact with _____ are as follows:

The facts supporting my belief that _____ is under the influence of intoxicants and/or drugs are as follows: _____

(Continue on another sheet of paper if more space is needed.)

The defendant, _____:

- declined to take a breath alcohol test on an instrument approved by the State Toxicologist.
- is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility, or is at a location that lacks an instrument approved by the State Toxicologist for performing breath testing, and the defendant has refused to submit to a blood test.
- is incapable due to physical injury, physical incapacity, or other physical limitation, of submitting to a breath alcohol test and the defendant has refused to submit to a blood test.
- has refused to submit to a blood test at the request of the undersigned who has reasonable grounds to believe that the defendant is under the influence of a drug (as further described herein).
- was not offered an opportunity to take a breath alcohol test on an instrument approved by the State Toxicologist because:
 - the available instrument is currently out of order.
 - the defendant does not speak English and the implied consent warnings are not available in a language that the defendant understands.
 - a low alcohol concentration reading on a portable breath test device makes it probable that any impairment is the result of a substance or drug other than alcohol.
 - _____
- submitted to a breath test on an instrument approved by the State Toxicologist but the breath alcohol concentration reading of _____ is not consistent with the defendant's level of impairment suggesting that the defendant is also under the influence of a drug.

A sample of _____'s blood, if extracted within a reasonable period of time after he/she last operated, or was in physical control of, a motor vehicle, may be tested to determine his/her current blood alcohol level and to detect the presence of any drugs that may have impaired his/her ability to drive. This search warrant is being requested _____ minutes _____ hours after _____ ceased driving/was found in physical control of a motor vehicle.

The Legislature has specifically authorized the use of search warrants for blood in cases in which the implied consent statute applies. *See* RCW 46.20.20.308(1) ("Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood."). The Legislature has also specified specific classes of people as being qualified to withdraw blood for alcohol testing. *See* RCW 46.61.506(5).

Therefore, I request authority to cause a sample of blood, consisting of one or more tubes, to be extracted from the person of _____ by a physician, a registered nurse, a license practical nurse, a nursing assistant as defined in chapter 18.88A RCW, a physician

assistant as defined in chapter 18.73 RCW, a health care assistant as defined in chapter 18.135 RCW, or any technician trained in withdrawing blood.

_____ Printed Name of Peace Officer, Agency, and Personnel Number	_____ Signature of Peace Officer
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SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__.

JUDGE

Distribution if warrant obtained in person—Original (Court Clerk); 1 copy (Prosecutor); 1 copy (Officer).
Distribution if warrant obtained telephonically—If search warrant was obtained telephonically, this complaint must be read in its entirety to the judge after the officer is placed under oath. Original (Prosecutor); 1 copy (Officer).

STATE OF WASHINGTON
COUNTY _____

COURT

STATE OF WASHINGTON,

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SEARCH WARRANT FOR EVIDENCE OF
A CRIME, TO WIT:

- DRIVING WHILE UNDER THE
INFLUENCE, RCW 46.61.502
- PHYSICAL CONTROL OF
VEHICLE WHILE UNDER THE
INFLUENCE, RCW 46.61.504
- DRIVER UNDER TWENTY-ONE
CONSUMING ALCOHOL,
RCW 46.61.503
- _____

TO ANY PEACE OFFICER IN THE STATE OF WASHINGTON:

WHEREAS, upon the sworn complaint heretofore made and filed and/or the testimonial evidence given in the above-entitled Court and incorporated herein by this reference, it appears to the undersigned Judge of the above-entitled Court that there is probable cause to believe that, in violation of the laws of the State of Washington, evidence of the crime(s) of:

- Driving While under the Influence, RCW 46.61.502
- Physical Control of Vehicle While under the Influence, RCW 46.61.504
- Driver under Twenty-one Consuming Alcohol, RCW 46.61.503
- _____

is concealed in, about or upon the person of _____, who is currently located within the County of _____.

NOW, THEREFORE, in the name of the State of Washington, you are hereby commanded with the necessary and proper assistance of a physician, a registered nurse, a licensed practical nurse, a nursing assistant as defined in chapter 18.88A RCW, a physician assistant as defined in chapter 18.73 RCW, a health care assistant as defined in chapter 18.135 RCW, or any technician trained in withdrawing blood, to extract a sample of blood, consisting of one or more tubes, from the person of _____, within _____ hours of the issuance of this search warrant and to ensure the safe keeping of the same and to make a return of said warrant within three (3) days; with a particular statement of all the articles seized and the name and title of the person who extracted the sample of blood. A copy of said warrant shall be served upon the person from whom the blood is to be extracted and upon the person who extracted the sample of blood together with a receipt for the blood that was extracted.

GIVEN UNDER MY HAND this _____ day of _____, 20__.

JUDGE

Printed or Typed Name of Judge

This warrant was issued by the above judge, pursuant to the telephonic warrant procedure authorized by CrR 2.3 and CrRLJ 2.3 on _____, 20__, at _____ (time).

<p>_____ Printed Name of Peace Officer, Agency, and Personnel Number</p>	<p>_____ Signature of Peace Officer Authorized to Affix Judge's Signature to Warrant</p>
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Distribution—No copies made until after Judge signs or approves an officer signing in the judge's stead after the entire warrant is read to the judge. Original (Court Clerk); 1 copy (Prosecutor), 1 copy (Officer); 1 copy to give to person from whom the blood is extracted, 1 copy to give to person who extracted the blood.

STATE OF WASHINGTON

COUNTY _____

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RECEIPT FOR PROPERTY TAKEN

The following property was taken from the person of _____ pursuant
to a Search Warrant having the same cause number:

A sample of blood consisting of _____ tubes.

Acknowledged by Person from whom blood was extracted: _____

Date: _____ Time: _____

Acknowledged by Person who extracted the blood: _____

Date: _____ Time: _____

Distribution—Original Receipt left with the person from whom the blood was drawn or left with medical staff if person is unavailable; 1 copy (Court Clerk); 1 copy (Prosecutor); 1 copy (Officer); 1 copy (person who extracted the blood).

STATE OF WASHINGTON

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INVENTORY AND RETURN OF
PROPERTY TAKEN UNDER SEARCH
WARRANT

A sample of blood consisting of _____ tubes was extracted from the person of _____ in the County of _____ on _____, 20____, at _____ (time) by _____, who is employed by _____ as a physician registered nurse licensed practical nurse nursing assistant as defined in chapter 18.88A RCW physician assistant as defined in chapter 18.73 RCW health care assistant as defined in chapter 18.135 RCW technician trained in withdrawing blood.

Acknowledged by Person from whom blood was extracted: _____

Date: _____ Time: _____

Acknowledged by Person who extracted the blood: _____

Date: _____ Time: _____

Distribution—Original filed with Court Clerk within 3 days of service of warrant; 1 copy (Prosecutor), 1 copy (Officer).