
Administrative Office of the Courts

Warrant Docket Procedure

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1. Purpose

1.1. Background

- The following per curiam was delivered on July 2, 2015:

IN RE ARKANSAS SUPREME COURT COMMITTEE ON CRIMINAL PRACTICE—ARKANSAS RULES OF CRIMINAL PROCEDURE 7.3 & 13.4, AND ADMINISTRATIVE ORDERS 2 AND 18.

- Courts have questions about how this per curiam changes their current process for returned arrest warrants and search warrants.
- The amendments to Rules 7.3 and 13.4 and Administrative Orders 2 and 18 are effective September 1, 2015.

1.2. Objective

This document is designed to:

- outline how the current process for tracking arrest warrants and search warrants has changed for Circuit Courts and District Courts.
- provide steps on how and when to enter/create an Arrest Warrant Case Type

2. Definitions

- **Executed warrant** – An arrest warrant where the defendant has been arrested or a search warrant where the search has been conducted.
- **Warrant return** – Warrant is returned to the court whether executed or not.
- **Arrest warrant docket** – Applies when an arrest warrant is returned but no criminal case has been opened.
- **Search warrant docket** – Applies when a search warrant is returned but no case has been opened.
- **Bench/City/County warrant case types** – Case types used in Contexte for arrest warrants that are issued before a case has been opened.

3. Assumptions

- If the case is opened at the same time the warrant is returned, then the current process for creating a criminal case remains the same, and the arrest and search warrant docket requirements do not apply.

4. Changes to Administrative Order Number 2 – Dockets and Other Records and Administrative Order Number 18 – Administration of District Courts

- The following language has been added to Administrative Order Number 2 and Administrative Order Number 18:

The warrant docket is used for warrants that have been returned either executed or unexecuted when a case file has not yet been opened. If a criminal case is subsequently opened, the information in the warrant docket related to the criminal case is transferred to it. Access to the contents of the warrant docket shall be governed by the applicable rule of criminal procedure and Administrative Order Number 19.

...warrant docket shall be divided into a “search warrant docket,” designated by the prefix “SW” and an “arrest warrant docket,” designated by the prefix “AW.”

4.1. Impacts

4.1.1 Impacts to Circuit Courts

- In addition to keeping a separate docket book for Civil, Probate, Domestic Relations, Criminal and Juvenile, the clerk will also maintain a Search Warrant docket book and an Arrest Warrant docket book.
- The Search Warrant docket will be designated by the prefix “SW” and the Arrest Warrant docket will be designated by the prefix “AW.”
- Circuit Courts on Contexte will continue to use the Bench Warrant (BW) case type and will use the case copy functionality to transfer the bench warrant information into the criminal case.
- A new Arrest Warrant case type will be created in Contexte for Circuit Courts to use when the warrant is returned and no criminal case has been opened.
- Refer to the applicable rule of criminal procedure and Administrative Order Number 19 for more information about public access to the contents of the warrant docket.

4.1.2 Impacts to District Courts

- A Search Warrant docket and an Arrest Warrant docket shall be established within the criminal division.
- The Search Warrant docket will be designated by the prefix “SW” and the Arrest Warrant docket will be designated by the prefix “AW.”
- District Courts on Contexte will continue using the current City Arrest Warrant and County Arrest Warrant case types if the case is opened when the warrant is issued.
- A new Arrest Warrant case type will be created in Contexte for District Courts to use when the warrant is returned and no criminal case has been opened.
- Refer to the applicable rule of criminal procedure and Administrative Order Number 19 for more information about public access to the contents of the warrant docket.

5. Changes to Rule 7.3. Return of warrant and summons; execution after return

- Sections (d) and (e) have been added:

(d) Upon return of a warrant, whether executed or unexecuted, the warrant along with the affidavit or sworn testimony on application shall be filed with the clerk of the issuing judicial officer, and they shall be publicly accessible unless the court for good cause based upon reasonably specific facts orders that any of them should be closed or sealed.

(e) Arrest warrants, affidavits, or sworn testimony on application are filed in the warrant docket as described in Administrative Order Number 2 or 18. Administrative Order Number 19 governs public access to documents in the warrant docket subject to the provisions of this rule (see section (VII)(A)(3); see section (VIII) for obtaining access to documents excluded from public access). Remote electronic access to the warrant docket by the general public, however, shall be governed by and subject to the policies or requirement of the court.

5.1. Impacts to Courts

- Upon the return of a warrant, all information pertaining to the warrant shall be publicly accessible, unless the court has good cause to close or seal the warrant and supporting documents.
- Refer to Administrative Order Number 19 for more information about public access to contents in the warrant docket.

- The Bench Warrant case type in Contexte will remain at a level 2 security setting, which will hide it from Public CourtConnect (PCC) view. Once the warrant is returned, it will either be transferred into a publicly accessible Criminal case or it will change to a publicly accessible Arrest Warrant case.

6. Changes to Rule 13.4. Return of A Search Warrant

- Sections (e) and (f) have been added:

(e) Affidavits or sworn testimony on application, warrants, inventories, returns, reports, and related papers shall be filed with the clerk of the issuing judicial officer in the warrant docket as described in Administrative Order Number 2 or 18.

(f) Administrative Order Number 19 governs public access to affidavits or sworn testimony on application, warrants, inventories, returns, reports, and related papers subject to the provisions of this rule (see section (VII)(A)(3); see section (VIII) for obtaining access to documents excluded from public access). Remote electronic access to the warrant docket by the general public, however, shall be governed by and subject to the policies or requirement of the court.

6.1. Impacts to Courts

6.1.1 Unexecuted search warrants

- When an unexecuted search warrant is returned, the warrant and report shall be filed with the clerk and shall be publicly accessible, unless the court has good cause to seal the warrant and report.
- The affidavit or sworn testimony for unexecuted search warrants shall not be accessible to the public.

6.1.2 Executed search warrants

- When an executed search warrant is returned, the warrant, report, inventory of things seized, and affidavit or sworn testimony (which may include audio or video testimony) shall be filed with the clerk and shall be publicly accessible, unless the court has good cause to seal the warrant and report.
- If an executed warrant is returned to a court that does not have jurisdiction to try the offense, the clerk may transmit copies of all information pertaining to the search warrant to the appropriate court having jurisdiction. The issuing judicial officer's clerk shall keep a copy in the clerk's file.