

Bowie Police Department - General Orders



TITLE: SERVICE OF WARRANTS/ PROCESSING ARRESTED PERSONS	NUMBER: 413
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I. POLICY

Making arrests is one of the duties performed by Bowie Police Officers. It is policy of the Department that arrests will be made in such a manner so that they:

- A. Do not jeopardize the safety of the arresting Officer(s),
- B. Do not jeopardize the safety of bystanders,
- C. Comply with Constitutional requirements, and
- D. Conform to the Laws of Arrest (CP §2-102).

II. SERVICE OF WARRANTS

- A. Pursuant to the provisions of Maryland Rule 4-212, only Police Officers or sheriffs/deputy sheriffs are authorized to serve summonses or warrants.
- B. Officers are authorized to serve, or participate in the service of, the following charging documents
 - 1. Arrest Warrants
 - 2. Traffic Warrants
 - 3. Bench Warrants
 - 4. Juvenile Warrants

5. Body Attachments
6. Search/Seizure Warrants
7. Administrative Search Warrants (for a fire premises)
8. Retake Warrants
9. Statement of Charges
10. Emergency Evaluation Petitions
11. District Court Criminal Summons (DCS), and
12. Fugitive Warrants

III. PROCEDURES

- A. Arrest Warrants are documents issued by a District Court Commissioner or Judge based upon a showing of probable cause by the warrant's applicant. They are good until served or recalled by the Court. A warrant issued "in-blank" is void, will not be served, and will be returned to the Court. No person, other than the issuing Judge or District Commissioner, has the right to alter a warrant. A warrant altered by a third party would not be the warrant issued by the Judge or District Court Commissioner.
1. An arrest authorized by a warrant may be made at any time, except that, if the charge(s) on the warrant are of a very minor nature (as determined by the on-duty supervisor or senior Officer), service or execution of the warrant should be made at a reasonable hour ("reasonable" is considered to be between the hours of 0700 hours and 2300 hours).
 2. Officers may arrest a person they encounter during the course of their duties if the person is wanted on any outstanding warrant(s).
 3. Officers should not wait to serve a warrant if any of the following criteria exist:
 - The defendant is considered an escape risk and/or is likely to avoid service at a later time,
 - The defendant is wanted on other charges,
 - The defendant is in imminent danger of causing harm to himself and/or others,
 - The defendant is a suspect in other case(s),
 - The defendant, unless immediately apprehended, may tamper with, dispose of, or destroy evidence,
 - The defendant, unless immediately apprehended, may cause injury to the person or damage to the property of one or more other persons.

4. If a computer check reveals a person to be “wanted,” the Officer requesting the computer check will ask Communications to contact the agency that obtained the warrant for the person to ensure that the “hit” is valid and to ensure that the warrant is on file before an arrest is made on the strength of that warrant.
5. If the person is wanted by an agency outside Maryland, the Officer will request teletype to send a Hit Confirmation Message before the arrest is made. If the wanted person is not being arrested solely on the strength of the warrant, but for another reason, the computer “hit” can be taken care of at the processing facility by the arresting Officer.
6. If an Officer checks a person for “wanted” via the station terminal, or by another means, it will be his/her responsibility to verify the warrant in the same manner described above in #4.
7. When an Officer serves a warrant held by Prince George’s Sheriff’s Department, the Officer will:
 - Contact the teletype section and request that the warrant(s) be faxed to the processing facility for service.
 - Have the defendant checked for “wanted,” if not already done so.
 - *Cepi* the warrant (complete the “Return of Service” area at the bottom of the warrant).
 - Complete any and all cover sheets that are attached to the warrant which lists all of the attempts to serve the warrant. (CALEA 74.1.2)
 - The *cepi*ed warrant will then be given to the District Court Commissioner so that the Commissioner can prepare for the defendant’s Initial Appearance.
 - The defendant’s copy will then be served on the defendant, with particular emphasis on having the defendant read the “ADVISE OF RIGHTS” area on the back of the said copy.
 - The serving Officer will retain the pink copies of the warrant for any case file or station file.
8. If the incident described in the warrant has already been reported in an Incident Report, the Officer serving the warrant must also write a Supplemental Report to indicate the service of the warrant.
9. If the defendant is in custody and the Officer intends to ask the defendant any questions about the incident described in the warrant, the Officer must advise the defendant of his/her Fifth Amendment rights if the inquiring Officer intends to use any of the defendant’s statements or responses as evidence. If a defendant asks for an attorney, questioning of the defendant will stop. However, this does not necessarily preclude an Officer from using information obtained during the course of a conversation with the defendant.
10. If the defendant asks for an attorney, the defendant will be allowed access to a telephone and a telephone book (if necessary). Officers will not monitor nor listen-in on communications between the defendant and his/her attorney.

11. To ensure proper computer cancellation(s), the Officer serving the warrant will ensure that a copy of the *cepied* warrant is faxed back to the PGPD Teletype Section immediately after the arrested person has been brought before the Commissioner.
12. If the warrant was entered into the computer by an agency outside Prince George's County, it is the responsibility of the Officer serving the warrant to cause notification of that agency (usually by teletype) so that said agency can remove the warrant from the computer system. The "hit confirmation" message does not automatically cause the entering agency to cancel the warrant.
13. Warrant Cancellation

A. All cancellations of wanted persons (adult warrants) will be accomplished through the PG Sheriff's Warrant Control Section. Cancellation of the computer "hit" is not to be made through the dispatcher.

- A computer "hit" alone is not probable cause for an arrest until the originating agency has confirmed the existence of a warrant. The Prince George's County Sheriff's Warrant Control Section must be contacted to review the computer "hit" and confirm the existence of that warrant and any additional warrants on file which may not yet be entered into MILES/NCIC.

B. **Bench Warrants** are issued by Judges "from the bench", and generally charge a defendant with Contempt of Court. Some general reasons for issuance would include, and may not be limited to, failure of a defendant to appear for trial after having been summoned to appear, a violation of probation terms and conditions, failure of a defendant to make restitution as ordered, failure of a defendant to pay a fine as ordered, and/or, failure to obey a Court Order.

Bench Warrant service involves taking the arrested person to D.O.C. for processing.

C. **Juvenile Warrants** are issued by Judges generally assigned to the Juvenile Court and some general reasons for issuance include, and may not be limited to, failure of a juvenile to appear in Court after having been summoned to appear, failure of an out-of-state juvenile to return to Prince George's County to be charged with a delinquent act, and/or failure of a juvenile to obey a Court Order.

1. When a juvenile is processed on this type of warrant, an F.B.I. fingerprint card is not required, but M.S.P. and P.G.P.D. fingerprint cards must be completed.

2. An Arrest Report and a Supplemental Report are also required.

3. Photographs and mug shots must be taken.

4. A Juvenile ID Number must be obtained from the PGPD records section.

5. Once the person is in custody, the Officer must contact DJS during business hours reference the location they want the person (adults under 21 can be arrested on an outstanding juvenile warrant) taken to or transport directly to juvenile processing at District 3.

D. **Body Attachments** are issued by Judges and order that a person be taken into custody by a Law Enforcement Officer and brought to Court or to a Court proceeding, pursuant to Maryland Rule 4-267.

1. A Body Attachment may be issued if a witness has failed to appear for a trial and a Judge's order for a law enforcement Officer to locate the witness, take him/her into custody, and bring the witness to Court.
2. If an Officer takes custody of an individual pursuant to a Body Attachment, the Officer will immediately bring the person to whom the Body Attachment refers before a Judicial Officer in the county in which an action is pending or where the witness is taken into custody.
3. The Officer must write a Police Incident Report.

E. **Search & Seizure Warrants** are warrants issued by judges that require Officers to whom they are addressed, to search a house, or other places therein specified, for stolen, evidence, contraband, or illicit property, and seize it if it is found during the search.

1. Anyone in/at the location during the execution of the Search Warrant may be taken into custody and/or temporarily detained.
2. This warrant is only good for 15 calendar days after issuance, before it automatically becomes null and void. The date the warrant is signed is DAY NUMBER 1.
3. If person(s) are arrested pursuant to the execution of a Search and Seizure Warrant, a Statement of Charges will be prepared at the processing facility to place formal charges, unless an Arrest Warrant has already been issued for the defendant(s) and the Search and Seizure Warrant was used for the purpose of recovering evidence. If an Arrest Warrant has already been issued, but does not cover other evidence found during the execution of the Search and Seizure Warrant, a Statement of Charges can be prepared as stated above, or the executing Officers can apply for another Arrest Warrant.
4. Person(s) arrested will be taken to Department of Corrections (D.O.C.)
5. Before the execution of a Search and Seizure Warrant obtained by a Bowie Police Officer, the Supervisor will cause notification of:

- Chief of Police,
 - The Communications supervisor by telephone and advised of the nature of the warrant, time and location of service, and the Officers involved.
6. After entry is made, and the scene stabilized, Communications will be notified by either radio or telephone of the entry so that the aforementioned person(s) can be kept informed.
 7. The execution of a Search Warrant will be in accordance with CP §1-203 and Maryland Rule 4-601.

F. **Administrative Search Warrants** (Fire Premises) are issued by a District or Circuit Court Judge for authorization to enter any factory, warehouse, vehicle, residence, building, establishment, or other premises where a fire has occurred to conduct a search to determine the cause or origin of a fire. (CR §5-804)

1. The State Fire Marshal (or designee), a full-time fire investigator who is a member of a fire department, or Police Officers may apply for an administrative search warrant.
2. An application for such a warrant must be in writing, signed, and sworn to by the applicant, and must particularly describe the vehicle, building, or premises to be searched and the nature, scope, and purpose of the search to be performed.
3. A Judge may issue such a warrant if the Judge finds that:
 - A fire of undetermined origin occurred on the premises,
 - The scope of the proposed search is reasonable and will not intrude unnecessarily on the fire victim's privacy,
 - The search will be executed at a reasonable and convenient time, and
 - The owner, tenant, or other individual in charge of the property has denied access to the property, or after making a reasonable effort, the applicant has been unable to locate any of these individuals.
4. This warrant must be executed and returned to the issuing Judge within the time specified in the warrant, not to exceed 30 days, or if no time period is specified in the warrant, no later than 15 days from the date of its issuance.
5. Any information obtained pursuant to an Administrative Search Warrant shall be considered as confidential and may not be disclosed, except:
 - To the extent utilized in an administrative or judicial proceeding arising out of a violation relating to the purpose for which the warrant was issued and within the scope of the warrant, or

- To an owner or occupant of the premises.
6. An Officer executing an Administrative Search Warrant will write a Police Information Report describing the execution of the warrant.
- G. **Retake Warrants** are issued by the Wardens or Superintendents of correctional institutions that authorize and require law enforcement Officers to apprehend and return escapees.
1. When a Retake Warrant is issued, a copy of it must be forwarded to the State’s Attorney in the county from which the escape was made.
 2. An Officer making an arrest on the strength of a Retake Warrant will promptly notify the Division of Correction of the arrest. Pursuant to Correctional Services Art., §11-803, an Officer making an arrest based on a Retake Warrant must also notify the Warden or Superintendent who issued the warrant.
 3. An individual arrested on a Retake Warrant, will be taken to D.O.C.
- H. **Statement of Charges** is a Court document that an Officer completes when an individual is physically arrested because there is probable cause to believe he has committed a criminal offense, and a Criminal or Civil Offense Citation cannot or will not be issued.
1. This document will be completed in accordance with the Charging Document Manual to ensure that the formal wording of a charge(s) is legally correct.
 2. Defendants arrested and charged via a Statement of Charges will be taken to D.O.C.
- I. **Emergency Petition** is a document on which a Police Officer describes an individual’s behavior that led to the individual being taken into custody for purposes of an emergency evaluation at a medical facility.
- J. **District Court Criminal Summons** (or “DCS”) is a charging document for which no arrest power is granted.
- K. **Circuit Court Bench Warrants** are Bench Warrants issued by Circuit Court Judges, usually for the same reasons that District Court Bench Warrants are issued.
1. An Officer is authorized to arrest an individual based on this kind of warrant; however, custody of the individual will be relinquished to the Sheriff’s Office.
 2. Unless the Officer intends to charge the defendant with committing a criminal offense, or the Officer believes the completion of a Police Incident Report

would be prudent, Officers will not process a person on a Circuit Court Bench Warrant, as all processing will be done by the Sheriff's Office.

3. Before an Officer relinquishes custody of the defendant to the Sheriff's Office, the taking of color photograph(s) of the defendant are permissible, providing the photographs can be taken without unnecessary delay.
4. If the Officer has arrested the defendant on other charges, and the Sheriff's Office wants the individual, the Officer will notify the Sheriff's Office of the arrest and will take the individual to D.O.C.
5. When the person is taken before the Commissioner, the arresting Officer will make the Commissioner aware of the Sheriff's Office paperwork.
 - Once the individual has been released by the Commissioner, the arresting officer will inform the Sheriff's Office of the release so that a Deputy can assume custody.

L. **Traffic Warrants** are issued by District Court Commissioners and charge a defendant with a violation of the Maryland Transportation Article, or Code of Maryland Regulations (COMAR).

1. Like arrest warrants, citizens and Police Officers may apply for this type of document.
2. There is no processing involved when this type of document is served, but an Officer may write a Police Incident Report to document the arrest.

M. **Charge Against Fugitive/Fugitive Warrants** are warrants issued by a Judge or Commissioner that command the apprehension of fugitives.

1. The document is also used like a Statement of Charges if an Officer has taken a fugitive from justice into custody.
2. A "fugitive" is a person wanted by another Maryland jurisdiction and a "fugitive from justice" is a person wanted by a jurisdiction outside Maryland.
3. Officers will complete the "CHARGE AGAINST FUGITIVE" side of the document if they arrest an individual who is wanted by another State and will attach a copy of the "hit", teletype, etc. along with extradition confirmation to this document.
4. Those arrested will be taken to D.O.C. for processing.

IV. SPECIAL CONSIDERATIONS

- A. Prior to the execution of a warrant, Officers should develop a plan of action to ensure the safety of the Officers, the safety of innocent bystanders, and the safety of the person to be taken into custody.
- B. The plan should take into consideration the following:
 - 1. The potential for violence,
 - 2. The need for assistance from other Officers and/or agencies,
 - 3. Potential escape routes,
 - 4. The availability of a “prisoner transport vehicle.”

V. USE OF FORCE TO TAKE A PERSON INTO CUSTODY

Officers will use only the force reasonably necessary to take a person into custody.

VI. ARRESTS OF MARYLAND LEGISLATORS

Members of the Maryland General Assembly may be arrested, except that they cannot be served with a warrant while on the floor of the General Assembly (Article 2, Section 2-11702 – “Interference with Legislative Process”).

VII. EXEMPTION FROM ARREST AND CRIMINAL PROCESS SERVICE

Title 9, Sub-Title 304 of the “Courts and Judicial Proceedings Article,” states that (a) “If a person comes into this State in obedience to a summons directing him to attend and testify in this State he shall not while in this State pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons. (b) If a person passes through this State while going to another state in obedience to a summons to attend and testify in that state or while returning there from, he shall not while so passing through this State be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this State under the summons. “

- A. This basically means that if a person has been ordered to return to the State of Maryland by a Court in the person’s home state, for purposes of giving testimony in a Maryland court, the person shall not be served with criminal or civil process while in Maryland, if the criminal or civil process pertains to a matter that occurred prior to the person being ordered to return to Maryland.
- B. This does not mean that the person cannot be arrested for a matter totally separate from the matter for which he is in the State of Maryland, as long as the matter did not arise before he entered into the State.

For example, if the person is passing through Maryland, while en route to Virginia because he/she was so ordered to return to Virginia to provide testimony, he/she may be arrested for D.W.I., or another offense committed within the Officer's presence, or pursuant to Maryland Law, but may not be served with any outstanding warrant or civil process that was on file prior to the person being ordered to testify.

- C. If an Officer encounters a situation described in the paragraphs above, there is nothing that prohibits the Officer from notifying the authorities in the state in which the person resides to request those authorities to arrest the person upon the person's re-entry into his/her "home state".
- Before an Officer makes such a request, the Officer will make certain that the warrant alleges an offense which is extraditable, and
 - That the other state will extradite.
- D. Title 9, Sub-title 306 of the "Courts and Judicial Proceedings Article" describes the aforementioned exemptions as covered under the "MARYLAND UNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESSES FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS."

VIII. PERSONS WANTED BY LAW ENFORCEMENT AGENCIES OTHER THAN PGPD

A. Wanted by Sheriff's Office

1. If an Officer receives a computer "hit" on an individual indicating that the individual is "wanted" by the PG Sheriff's Department (most likely, a Circuit Court Bench Warrant), the "hit" will be verified prior to the Officer taking custody of the individual.
2. Once the warrant is verified, the arresting Officer shall transport the individual to D.O.C. for processing.
3. The individual will be searched, restrained, and transported pursuant to the Department policies and procedures.
4. The arresting Officer(s) shall *cepi* the warrant and write a Police Event Report.

B. Wanted by a Law Enforcement Agency Outside Prince George's County

1. The arresting Officer will confirm the "hit" and transport the individual to D.O.C. for processing.
2. The arresting Officer will write an Incident Report only.
3. D.O.C. will complete the necessary fingerprint cards, photographs, and arrest report, and bring the individual before a commissioner for arraignment.

4. D.O.C. personnel will ensure that notification is made and the necessary forms are faxed to the outside jurisdiction.

C. Wanted by a Municipality Inside the County

1. If an individual is arrested on the strength of a warrant held by one of these agencies, the agency holding the warrant will be notified and arrangements will be made for custody to be relinquished to them after the individual is processed on local charges, if any.
2. If the individual is not going to be processed on any drug charges, custody can be relinquished in the aforementioned manner.

D. Wanted by Maryland State Police

Follow the procedures outlined in VIII, B.

E. Wanted by a State or Local Law Enforcement Agency Outside of Maryland

1. The arresting Officer will obtain a current “hit” confirmation or TTY from the demanding agency. Request teletype to send a “Locate Message” and a “Hit Confirmation Message” to the agency holding the warrant for verification.
2. Complete the Statement of Probable Cause.
3. Complete an Incident Report
4. Fax a copy of the Incident Report to the PGSD Fugitive Unit by 0700 hours the next day.
5. Transport the individual to D.O.C. for processing.
6. D.O.C. will complete the necessary fingerprint cards, photographs, arrest report, and bring the person before the commissioner for arraignment.
7. The wanted person cannot be charged as a Fugitive from Justice until cleared of **all** local charges.

F. Wanted by Federal or Military Agencies

If an individual has been arrested because he/she is wanted by a federal or military law enforcement agency (and no local charges are anticipated), follow the procedure below:

1. A “Fugitive from Justice” charge is not necessary during normal working hours for these agencies.
2. The arresting Officer will notify (or cause to be notified) the agency that wants the individual to respond to accept custody.

3. If the federal authorities will not respond immediately, or the delay will be excessive, process the subject as directed in VIII. E. of this General Order.

G. Military Members Arrested as Deserters

1. The Uniform Code of Military Justice sets out, and the federal courts have affirmed, the authority of civil law enforcement Officers to arrest a deserter from the armed forces and deliver him/her to the forces from which he/she deserted.
2. Officers arresting a deserter will treat the offense as a misdemeanor (unless otherwise advised) and shall contact the armed forces branch to which the deserter belongs.
3. The individual will be processed pursuant to the provisions of paragraph F.

H. Processing Other Maryland Jurisdiction Traffic Warrants

1. The arresting Officer will transport the individual to D.O.C. for processing.
2. No report other than an Incident Report detailing the circumstances of the arrest is necessary.