

Stevensville Police Department Officers attempting to serve a warrant or Order for Arrest shall verify the status of the process.

32.1.2 WARRANT SERVICE RECORDS

CALEA Standard: 74.1.2

Department Assignment for Process and Service

The Stevensville Police Department Officers carry out the warrant processing function. Officers shall routinely check the "Assigned/Pending List" to view the processes that have been assigned to the Stevensville Police Department. If the process is determined not to be within the jurisdiction of the Stevensville Police Department the process shall be electronically forwarded by an Officer to the appropriate agency if known or returned to the Clerk of Court. Upon attempted service of a process, the Officer should note the attempted service and the result of the service attempt.

In the event, an Officer obtains a warrant on a pending case investigation, the Officer shall record the incident number (OCA) on the warrant. Upon service of a warrant with a recorded investigation number, Officers shall complete a supplement to the incident indicating the service of warrant along with the date, time, location of service and any other information pertinent to the incident.

Warrants for arrest and orders for arrest shall receive priority attention by Stevensville Police Department personnel when:

- A judicial official or other law enforcement agency requests immediate service of the warrant or order for arrest
- Circumstances indicate that a delay in service may result in injury to an involved party.
- Circumstances indicate that the individual named on the warrant is an immediate danger or threat to the public
- Information is provided indicating the location of an absconder, hard to serve individual or individual actively avoiding service

When Communications is contacted concerning a warrant, Communications personnel will:

- Obtain the wanted person's information and verify any active warrants.
- Obtain the location of the wanted person and confirm that the location is within the Agency's jurisdiction.
- Upon confirmation, enter a call for service and assign an Officer for warrant service.
- Advise the caller that an Officer will attempt warrant service.

- Notify the caller if it is determined that there is either not an active warrant or the location is not within the jurisdiction of the Agency.

When contacted by a bail bondsman and an active warrant has been verified the bail bondsman will be advised that the Stevensville Police Department will attempt to execute the warrant. The bail bondsman may proceed with their duties only after the Officer has completed the arrest/booking procedures. The bail bondsman shall be further advised that they will not be allowed to have any involvement in the arrest/booking procedures. In the event, there is not an active warrant, and the bail bondsman is requesting assistance then he/she will be advised that an Officer will be notified and may be in the area should the situation turn violent or other criminal activity occurs.

Officers having warrants (including search and arrest warrants) in other jurisdictions shall contact the jurisdiction's law enforcement agency and advise them of the investigation and pending warrant. The investigating Officer shall request a law enforcement Officer from the local jurisdiction serve the warrant. The Officer will advise and assist the Officers of the foreign jurisdiction.

32.1.3 CIVIL PROCESS

CALEA Standard: 74.2.1, 74.3.2

Civil Process is not handled by the Stevensville Police Department and is referred to the Ravalli County Sheriff's Office

32.1.4 CRIMINAL PROCESS

CALEA Standard: 74.1.1, 74.3.1

Types of warrants to be executed by the Stevensville Police Department include:

CITATIONS

A citation is a directive, issued by a law enforcement Officer or other person authorized by statute, that a person must appear in court and answer a misdemeanor or infraction charge or charges. The citation must be dated and signed by the Officer who issues it. An Officer will deliver the citation to the person cited who may sign a receipt on the original. Failure of the person to sign a citation does not constitute grounds for arrest or the requirement that he/she post a bond.

An Officer may issue a citation to any person who the Officer has probable cause to believe has committed a misdemeanor or infraction. The citation must:

- Identify the crime charged, including the date of occurrence, and where applicable, identify the property and other persons involved

- Contain the name and address of the person cited, or other identification if that cannot be ascertained
- Identify the Officer issuing the citation
- Cite the person issued to appear in a designated court, at a designated time and date

WARRANTS FOR ARREST

A warrant for arrest consists of a statement of the crime of which the person to be arrested is accused, and an order directing that the person so accused be arrested and held to answer to the charges made against him/her. It is based upon a showing of probable cause supported by oath or affirmation. Warrants for Arrest should be executed within 180 days of issuance. After 180 days the warrant shall be returned to the office of the Clerk of Court.

Information for misdemeanor and felony warrants obtained by an Officer will include:

- Date and time received
- Type of legal process (Only criminal authorized)
- Nature of the document (Summons or Arrest)
- Source of the document
- Name of defendant
- Officer assigned for service (Obtaining Officer)
- Date of assignment (Date issued)
- Court docket number, if available
- Date service is due (Court date)

Felony charges obtained by an Officer will be:

- Completed prior to the end of their tour of duty.

An Officer having a warrant for arrest in his possession may arrest the person named or described therein at any time and at any place within the Officer's territorial jurisdiction.

An Officer, who has knowledge that a warrant for arrest has been issued and has not been executed, but who does not have the warrant in his possession, may arrest the person named therein at any time. The Officer must inform the person arrested that the warrant has been issued and serve the warrant upon him as soon as possible. This applies even though the warrant has been returned to the Clerk of Court.

Execution of warrants

Warrant Officers who run on warrants will go to the subject's residence and make every attempt to personally contact the subject. If the subject is not at the residence, the Officer will leave a red tag on the door of the residence directing the subject to contact the court regarding the matter.

A warrant Officer who attempts an arrest of the subject in the field will bring the subject to the court is in session in order to complete the arrest. If an arrest is made during non-court hours, the subject will be taken to the Ravalli County Inmate Processing Center to complete the arrest process. The warrant will be executed on the face of the warrant and warrant arrest report completed.

A case number will be given to the Officer to be logged with the subject information.

Process for Search and Seizure and Arrest

(SEARCH AND SEIZURE BY CONSENT)

A law enforcement Officer may conduct a search and make seizures, without a search warrant or other authorization, if consent to the search is given. The consent needed to justify a search and seizure under state law must be given:

- By the person to be searched, or
- By the registered owner of a vehicle or person in apparent control and authority even if owner is present and is silent or does not object.

EXCEPTIONS:

- Driver is not the owner but the owner is present and does not consent. Driver cannot give consent to search.
- Driver is not owner. Owner is not present at the time the request for consent is made but arrives and objects. If search has started and the owner arrives and objects, the search should stop, and a warrant should be obtained.
- A co-owner can give consent to search the premises, but this consent is not valid if the co-owner objects. If the objecting co-owner is removed from the scene and the remaining co-owner consents, the consent is still NOT valid.
- Driver is not the owner, but the owner is present and does not consent. Driver cannot give consent to search.
- Joint occupants can give consent over entire premises. Joint occupant can consent to search their designated area but not common areas if the other joint tenant is present and objects.
- Joint occupants have common authority to consent, but a joint occupant may not consent to the search of an area designated for another occupant's exclusive use.

- Owner cannot give consent to search the personal effects of an overnight guest or within drawers or closets set aside for overnight guest, but only the area that is in plain view in the room.
- Parent can give consent to search minor child's room.

(OTHER SEARCHES AND SEIZURES)

A law enforcement Officer may search the person of one whom he has lawfully arrested as an incident of such arrest. In the course of a search incident to an arrest, an Officer may lawfully take from the person arrested any property which such person has about him and which is connected with the crime charged, any other crime, or which may be required as evidence thereof.

Search incident to arrest is limited to the person and the area within lunging reach of the suspect. No search of a vehicle incident to arrest shall occur where suspect is handcuffed and not within lunging distance of the vehicle. Depending on existing circumstances, exceptions may include the following based on appropriate case law:

- Consent to search is given.
- If an Officer has reasonable suspicion to believe that a passenger or recent occupant is dangerous and may gain access to a weapon, the Officer can 'frisk' the vehicle for weapons.
- Vehicle inventory
- Plain view.

(SEARCH WARRANTS)

A search warrant is a court order and process directing a law enforcement Officer to search designated premises, vehicles, or persons for the purpose of seizing designated items and accounting for any items so obtained to the court that issued the warrant.

(NON-TESTIMONIAL IDENTIFICATION)

Non-testimonial identification procedures include:

- Fingerprints
- Measurements
- Blood, breath, urine, saliva, and/or hair specimens
- Voice and/or handwriting samples
- Photographs
- Line-ups

(EXIGENT CIRCUMSTANCE)

While such authority exists only for the duration of the exigent circumstance, an Officer may take one or more of the following actions when an Officer reasonably believes that doing so is urgently necessary to save lives, prevent serious bodily harm, or avert or control public catastrophe:

- Enter buildings, vehicles, and other premises
- Limit or restrict the presence of persons in premises or areas
- Exercise control over the property of others

The procedures for search and seizure, and/or arrest, with or without a warrant, are governed by Montana Statute as follows:

(ARREST)

Officers may arrest without a warrant any person who the Officer has probable cause to believe has committed a:

- Criminal offense in the Officer's presence
- Felonies committed out of the Officer's presence when the Officer has probable cause and reasonable grounds to believe that the person will evade arrest if not taken immediately into custody.
- Felonies and misdemeanors when there exists one of the "emergency situations" of danger of escape or danger of injury or property damage.

When making an arrest, a law enforcement Officer must:

- Identify him/herself as a law enforcement Officer unless his/her identity is otherwise apparent
- Inform the arrested person he/she is under arrest
- As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest, unless the cause appears to be evident.

An arrest is complete when:

- The person submits to the control of the arresting Officer who has indicated his/her intention to arrest.
- The arresting Officer, with intent to make an arrest, takes a person into custody by the use of physical force.

After the arrest is completed, the arresting Officer will take the person without unreasonable delay before a judicial official. When the arrest is made without a warrant the Officer must obtain a warrant for arrest through the filing of charges.

32.1.5 PROPERTY RECEIVED RECORDS

CALEA Standard:

All property received by the agency pursuant to the delivery of legal process services as described in this chapter is accounted for in accordance with the policies and procedures of Stevensville Police Department General Orders, Chapter 36, Section 36.1.1, "Property and Evidence Management Control". The Stevensville Police Department does not receive any receipts, disbursements, or audits of funds in the administration of legal process services.

Montana Statute governs the confiscation, disposition, and forfeiture of deadly weapons and personal property seized during the delivery of legal process services. Officers shall observe the mandates of these statutes in the performance of their duties.

All property acquired through the legal process function is disposed of by the agency pursuant to legal authority as directed in Montana Statute, and in accordance with the policies and procedures as outlined in Chapter 36, "Property and Evidence Management Control".

Stevensville Police Department Policy and Procedures Manual, Chapter 21, Section 21.1.6, *Searching for and Seizing Evidence or Contraband*, identifies property information that should be logged for seized property.

32.1.6 WARRANT/WANTED PERSON PROCEDURES

CALEA Standard: 74.1.3

The Stevensville Police Department has established procedures for maintaining a warrant and wanted persons file to include:

Establishing criteria for entering notices in regional, state and federal information systems

The Stevensville Police Department uses the Criminal Justice Information Network (CJIN) and the National Crime Information Center (NCIC), which have computerized Wanted Person Files. Entries into these systems must comply with the rules and regulations set forth by CJIN and NCIC. The Wanted Persons Files contain personal descriptors and identifiers for persons who are being sought by the law enforcement community. All warrants that have been entered in CJIN/NCIC Wanted Persons are maintained in a separate file. The CJIN/NCIC printout shall be attached to the warrant.

Establishing criteria needed for receiving information from other jurisdictions

The criteria needed for receiving information from other jurisdictions will be the same as the criteria for entering notices in the Criminal Justice Information Network (CJIN) system and the National Crime Information Center (NCIC) system.

Canceling Information

The Communications Center is responsible for ensuring that a cancellation of a wanted person has been completed.