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I. Policy

The Division will execute warrants and legal process documents, as soon as practical. The safety of all potential parties, to include innocent bystanders will be the primary concern and must be factored in both the planning and execution stages of the warrant/document service.

II. Procedures and Responsibility for Arrest Warrant Service

A. Officers/Detectives obtaining arrest warrants or District Court Criminal Summonses (DCCS) will:

- 1. Provide a copy of the arrest warrant or DCCS with the Park Police case number and supplement report to the Records Section by the end of the shift.
- 2. Arrest warrants must be submitted to the Communication Section to be logged and entered into National Crime Information Center (NCIC).
- 3. Arrest warrants will not be held by officers/detectives longer than three days. Any exceptions to this requirement will be made on a case by case basis and must be approved by the Investigative Services Commander.

B. The Communications Supervisor is responsible for the administration of all warrants and will:

- 1. Receive and retain all arrest warrants.
- 2. Attach a "Legal Process Service Form" to each warrant.
- 3. Ensure warrant information is entered into NCIC, as soon as possible for those that may affect public safety, but no later-than 72 hours of receipt.
- 4. Upon receipt of warrants, Communications Section personnel will immediately notify the on-duty watch commander and the Investigative Services Commander. Information should include the number of warrants received, nature of the offense, any special cautions and any other pertinent identifying information.
- 5. After the warrant has been served, Communications Section personnel will be responsible for clearing the legal process from the computer files.
- 6. Copies of all teletypes on cleared legal process (including entry, confirmation

requests and responses, clears or locates) will be retained in the warrant file in the Communications Section.

- C. If the service of an arrest warrant of a wanted subject is planned, the on-duty watch commander or designee will review the arrest warrant to determine if adequate resources are available to safely serve the warrant. The watch commander or designee will determine if the potential for harm is greater than the need for service, if so then other alternatives will be considered.
- D. Watch commander approval is required for any arrest warrant held by an officer for service and not immediately submitted to Communications for entry into NCIC.
- E. Officers or Detectives who obtain arrest warrants will be responsible for notifying their chain of command and for coordinating the service of the arrest warrant with ISS/SAT and/or Special Weapons and Tactics Team (SWAT).
- F. If the person named in the warrant is stopped by an on-duty officer of this Division, the officer will be responsible for the service of warrant(s).
- G. If an off-duty officer of this Division stops a subject with an open arrest warrant, they will, when practical, request the assistance of an on-duty Park Police officer to respond and be responsible for the service of the warrant (s).
- H. The on-duty watch commander will ensure that procedures set forth in Division Directive, **464.0 Extra Jurisdictional Authority** and **462.0 Police Actions In Listed Municipalities directives are followed.**
- I. Officers will utilize the "Legal Process Service Form" to track and record all warrant services and all attempts. Service forms will include any information regarding the validity of the warrant address and any other pertinent information which will include all warrant service attempts. (Attachment #4: Legal Process Form)
- J. Officers will be responsible for ensuring that all required documentation related to the legal process service is forwarded, via the on-duty supervisor, to the Records Section.
- K. Arrest warrants that are not served by the end of the shift, will be returned to the Communications Section.
- L. An exception will be made to the procedures above when a Park Police arrest warrant has been issued, the offender is in court for another offense and where the outstanding warrant is detected by a wanted check. When necessary a Park Police officer or detective will respond and process the subject. In this instance, the Warrants Clerk/Court Officer (MCP) will be notified. If a Park Police officer is not available, have the warrant served by another available law enforcement officer or sheriff's deputy and request the warrants clerk/court officer forward a return of service to Communications indicating that the warrant has been served. Communications personnel will remove the warrant from NCIC and forward the return of service documentation to Records.

- III. Procedures and Responsibility for Search Warrant Service
- A. Officers/detectives obtaining search warrants will:
1. Establish the need for a search warrant.
 2. Consult with the Investigative Services sergeant prior to obtaining search warrant.
 3. Consult with Assistant State's Attorney prior to obtaining search warrant.
- B. The on-duty watch commander or designee will:
1. Review the search warrant to determine if adequate resources are available to safely serve the warrant. The watch commander or designee will determine if the potential for harm is greater than the need for service, if so then other alternatives will be considered.
 2. Any time a search warrant is obtained for a dwelling or structure, a watch commander or designee must ensure a "Warrant Threat Assessment Matrix is completed to determine the need for SWAT. (Attachment #1: Warrant Threat Assessment Matrix)
 - a. Montgomery County Police (MCP) Special Investigations and Criminal Investigations will be provided with copies of the warrants for review prior to serving.
 - b. If risk factors on the "Warrant Threat Assessment Matrix" meet the standard for a SWAT Team to be utilized, then the MCP SOD SWAT sergeant will be consulted.
 - c. If the determination is made that Park Police will execute the warrant, then the following steps will be taken:
 - 1.) An Assignment Plan will be completed in its entirety and reviewed by a trained and designated commander. All "Assignment Plans" will be submitted to the ISS commander for storage. (Attachment #2: Assignment Plan)
 - 2.) "Operational Briefing Sheet" will be completed to establish details about suspects, possible vehicles involved and details about the where the warrant will be served. (Attachment#3: Operational Briefing Sheet)
 - 3.) Deconfliction will be conducted through the High Intensity Drug Trafficking Areas Program (HIDTA) and MCP Special Investigations Unit.
 - 4.) Notifications will be made to Emergency Communications Center (ECC) or Communications Section for jurisdiction where warrant will be executed.

- d. Proper equipment including body armor, identifiable outer garment, weapons and other protective equipment to include less lethal options will be carried to affect an entry or arrest, while minimizing the potential for harm. Additional equipment that should be on hand to address contingencies include, but are not limited to:
 - 1.) Halligan Tool
 - 2.) Ram
 - 3.) Shield
 - 4.) Fire Extinguisher
 - 5.) Tactical First Aid Kit
 - 6.) Tactical Medic, if available
- e. Officers designated to use equipment will be trained in its use.
- f. Forced entry will not be made on Misdemeanor Arrest Warrants unless mitigating factors exist to include but not limited to:
 - 1.) Fresh Pursuit
 - 2.) Articulate exigent circumstances specific to the health and safety of the citizens, officers or suspect(s).

IV. Out of State Warrants

- A. Any warrant with an out of state defendant will be immediately entered in NCIC.
- B. Extradition must be approved by the Investigative Branch assistant chief and will be determined on a case by case basis.

V. Surrender Letter

- A. In suitable instances, the Investigative Branch assistant chief may generate a letter to the named individual inviting them to surrender to the police in order to resolve the outstanding warrant. This procedure should be used when the individual resides out of state and/or the nature of the offense is minor in nature.
- B. The letter should include all pertinent information such as:
 - 1. Type of warrant and charges;
 - 2. Contact number for resolution/information;
 - 3. Information regarding potential consequences, i.e. not resolved until it is served;

4. General statement seeking cooperation, i.e. ability to work with the individual to resolve the situation. (Attachment #5: Warrant Letter).

VI. Warrant Confirmation and Filing

- A. When a confirmation request is received from another agency, a dispatcher will verify the warrant's status.
 1. Dispatchers may fax/scan copies of the active warrant to another agency for service, when the individual is in their custody. The serving agency will fax/scan a return of service indicating the warrant has been served. Communications will then remove the warrant from NCIC and forward the return of service documentation to Records.
 2. If the requesting agency is not able to serve the warrant, and after confirmation of the warrant status is made, the on-duty supervisor will be notified and will be responsible for making arrangements to have the legal process served.

VII. Department of Natural Resources (DNR) Warrants

- A. When a defendant fails to appear in court or pay a DNR Citation, the courts will complete an arrest warrant application.
- B. The Division's DNR coordinator will pick up the arrest warrant applications from District Court.
- C. DNR coordinator will forward all DNR warrant applications to the court liaison for distribution.
- D. Officers receiving warrant applications will complete the statement of charges section and return it, in a timely manner, to the District Court commissioner for approval.
- E. District Court will contact the DNR coordinator to arrange for the warrants to be picked up.
- F. The DNR Coordinator will turn over all DNR warrants to the Communications Supervisor.
- G. DNR warrants will follow the procedures in sections "Procedures/Responsibility for Warrant Service."

VIII. Procedures/Responsibility for Civil Process Documents

- A. Civil legal process documents are not typically served by officers of this Division. Examples of civil process documents the Division may serve include Ex Parte Orders or Extreme Risk Protective Orders (ERPO).
- B. Watch commander approval must be obtained prior to serving any civil legal process documents.

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- C. Officers serving legal process documents will ensure they are served and that all required documentation related to the legal process service is forwarded, via the on-duty supervisor and then to the Records Section.

IX. Invalidation Procedures

- A. Requests to invalidate warrants must be approved by the Investigative Branch assistant chief prior to being sent to the State's Attorney's Office to be presented in court. This requires that the initiating officer write a detailed Supplement Report providing the following:
 - B. Explain the reason(s) a warrant is to be invalidated (for example).
 - 1. Misidentification of the suspect due to false identification cards.
 - 2. False statements by complainant/victim.
 - 3. Any other available information, i.e. subject is deceased.
- C. Details of actions taken.
 - 1. New warrant issued under correct name for suspect.
 - 2. Any charges brought against an individual that knowingly made false statements.
 - 3. Any other actions.

Issuing Authority: _____



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Montgomery County Division

End of Directive