



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**



Police Chief: John M. Fitzgerald

**GENERAL ORDER: 5-29 SERVICE OF WARRANTS AND
PROCESSING ARRESTED PERSONS**

DATE: 12/14/2016 Pages: 2 ◇ New ◇ Amended ◆ Revised—5-29

I. POLICY

Arrests are one of the duties required of police officers. It is the policy of the Department that arrests shall be made so that:

- they comply with the U.S. and Maryland Constitutions and the laws of arrest, and
- to the extent possible, they do not jeopardize the safety of bystanders or arresting officer(s).

II. AUTHORITY TO SERVE WARRANTS

- A. Pursuant to the provisions of Maryland Rule 4-212, only police officers or sheriffs/deputies are authorized to serve summonses or warrants.
- B. Officers are authorized to serve, or participate in the service of the following documents:
1. Arrest warrants
 2. Traffic warrants
 3. Bench warrants
 4. Juvenile warrants
 5. Body attachments
 6. Search/Seizure warrants
 7. Administrative Search warrants
 8. Retake warrants
 9. Statements of Charges
 10. Emergency Evaluation Petitions
 11. District Court Summonses
 12. Fugitive Warrants

III. ARREST WARRANT SERVICE PROCEDURES

- A. **ALL WARRANTS MUST BE CONFIRMED BEFORE AN ARREST IS MADE.** If an officer learns from any source (computer 'hit'; admission made by the wanted person; tip from a family member or other informant, etc.) that a person is "wanted" on any type of warrant, the officer will request ECC **to confirm the warrant before an arrest is made on the strength of that warrant.** The officer must also verify the identity of the individual using whatever reasonable means are available (physical descriptors, photo ID cards, AFIS fin-

gerprint scans, and other factors). ECC will then contact the agency that wants the subject to ensure that the warrant is valid and that the warrant is on file. Officers must not make an arrest on a warrant until the warrant has been confirmed.

- B. After confirming the warrant (see Section III. A. above), officers may arrest a wanted person whom they encounter under the following circumstances:
1. When the encounter is made in Chevy Chase Village, or
 2. When the encounter is made in Montgomery County outside of Chevy Chase Village and:
 - the Village police officer is on duty; and
 - the Village officer discovers the existence of the warrant during the course of his/her duties.
- C. Subject to Section III.B, above, warrants (arrest warrants, bench warrants, traffic warrants, juvenile warrants) may be served 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 will be made at a reasonable hour; i.e., between the hours of 0700 and 2200.
- D. Once an adult arrest is made, officers shall transport the individual to the CPU.
- E. **Juvenile warrants** are issued by judges generally assigned to the Juvenile Court. If an officer arrests a juvenile based on a juvenile warrant:
1. During regular business hours, call the DJS office in Rockville at (301) 610-8500. Officers will most likely be directed to bring the arrested juvenile directly to the Juvenile Court.
 2. After 5pm and on weekends/holidays, call (877) 404-3724 and speak to the on-call DJS intake officer; follow their direction.

- E. Officers will not unnecessarily delay serving 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, or
 - The defendant is wanted on other charges, or
 - The defendant is a suspect in other criminal cases, or
 - The defendant is in imminent danger of causing harm to himself or others, or
 - The defendant, unless immediately apprehended, may tamper with, dispose of, or destroy evidence, or
 - The defendant, unless immediately apprehended, may cause injury to the person or damage to the property of one or more other persons.
- F. If the officer intends to ask the defendant any questions about the crime charged in the warrant (or about any other crime) while the person is in custody, the defendant will be advised of his Miranda rights via MCP Form #50. If the defendant asks for an attorney, the defendant will be allowed access to a phone and officers will not monitor or listen to communications between the defendant and his attorney. A record of the warrant service will be documented on an Incident Report.
- G. **Village Officers will follow MCP Function Code 513 ‘Processing Arrested Persons’ (attached).** In addition to the procedures within this general order, Village officers shall adhere to those contained in Montgomery County’s Function Code 513, ‘Processing Arrested Persons.’ FC513 provides additional details related to the arrest process at CPU, juvenile charges, and forms completion.

IV. SEARCH WARRANT PROCEDURES

- A. Officers considering obtaining a search warrant shall first consult with the Lieutenant.
- B. All applications/affidavits for search warrants shall be reviewed and approved by the Chief of Police prior to being reviewed by a judge.
- C. The lieutenant shall ensure that the service of any search warrant obtained by a Village police officer is coordinated with:
1. the Montgomery County Police Department if the location to be searched is within the Village, or
 2. with the appropriate local law enforcement agency if the location to be searched is outside of Chevy Chase Village.
- D. A supervisor from CCVPD will be present when any search warrant is executed. The supervisor will be responsible for ensuring that proper procedures are followed during the search, that the inventory and return are completed, and that all reporting requirements are fulfilled.

V. PERSONS WANTED BY NON-MARYLAND AGENCIES

A. Wanted by a State or Local Law Enforcement Agency outside of Maryland

1. Request a current “hit” confirmation or TTY from the demanding agency be faxed to CPU.
2. After confirming the warrant and verifying the identity of the wanted subject, transport the individual to CPU for processing (refer to FC 811).
3. Copy the front of the CPU 513 (CBF bar code number) for the officer’s file and give the envelope to the booking officer
4. Complete a DC/CR 30, “Charge Against Fugitive.”
5. Complete an event report (classification 2752).
6. Fax a copy of the event report to the Fugitive Section by 0700 hours the next day at (240) 773-5325. (CPU will complete necessary fingerprint cards, photos, arrest report and bring the person before the Commissioner and fax copies of their paper work to MCP Fugitive Unit by 0700 hours).

B. Wanted by Federal or Military Agencies

If a person is arrested because he is wanted by a federal or military law enforcement agency and no local charges are anticipated, simply notify the agency that wants the person to respond to accept custody.

VI. EXEMPTIONS FROM ARREST AND CRIMINAL PROCESS SERVICE

Title 9, Sub-Title 304 of the “Courts and Judicial Proceedings Article,” states:

- 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.

This directive voids the previous version dated 9/15/2016.