

# JACKSONVILLE POLICE DEPARTMENT

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## PREPARING, SERVING, AND RETURNING WARRANTS

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**PURPOSE:** To provide officers with basic guidelines to effectively prepare an affidavit warrant, and serve and return a warrant.

**POLICY:** It is the policy of this Department to properly obtain, safely execute, and accurately return warrants.

### **PROCEDURES:**

#### I. PREPARING AN AFFIDAVIT WARRANT

- A. An officer wanting a warrant issued must have articulable facts and circumstances to support enough probable cause to obtain a warrant of someone's person.
- B. The application for the warrant must describe with particularity the statute violated, the probable cause leading the officer to believe the offense has been committed, and the person committing the offense. This will be supported by one (1) or more affidavits under oath before a judge.
- C. The warrant affidavit must contain the following:
  1. The individual's name;
  2. Date of birth;
  3. Race/Sex;
  4. Home address; and
  5. Phone number, if known.
- D. Any other witness to the offense, including other officers, will be listed at the bottom of the affidavit form so they can be subpoenaed, and will include their:
  1. Name;
  2. Address; and
  3. Phone number.
- E. Once the warrant affidavit is completed, the officer must present the affidavit to the prosecutor's office for approval. The prosecutor will review the affidavit and confirm that it contains the probable cause needed and verify that they will be willing to prosecute the case.
- F. Once the prosecutor's approval is received, the officer will present the affidavit to the court office. The officer will swear to the facts listed in the affidavit and then sign the affidavit. The Court Clerk will then sign and notarize the affidavit and then present it to the judge for final approval.
- G. If the judge approves the affidavit, he will sign it and a warrant will be issued.

#### II. EXECUTING AN ARREST WARRANT

- A. Unless officer safety, destruction of evidence, flight of a suspect, or other exigency exists, to serve an arrest warrant on a person at a residence, officers must knock on the door, announce their presence, and, as indicated by the circumstances, wait a reasonable amount of time before entering.
- B. An arrest warrant should be executed without unreasonable delay. After an arrest warrant is executed, it must be returned to the court where the accused is brought and notice given to the prosecuting attorney.

- C. Time Frame
  - 1. When executing an arrest warrant at a residence, knock and announce rules will apply. Service attempts should be conducted between 0600 hours and 2000 hours.
- D. When making an arrest with an arrest warrant, the officer shall:
  - 1. Identify himself, unless his identity is otherwise apparent;
  - 2. Inform the person that he is under arrest;
  - 3. Inform the person of the reason for the arrest; and
  - 4. Need not possess the warrant, but upon request, show it to the accused as soon as possible.
- E. An arrest warrant carries with it the authority to enter a dwelling in which a person lives where there is reason to believe he or she is within. (Note: An anonymous tip that a person is in a motel room is not alone sufficient reason to believe he or she is within. *Evans v State, 2015 Ark. 50*)
- F. Unsuccessful Service Attempts
  - 1. Should a warrant service attempt be made, and the accused is unable to be located by the officer, the officer will update the physical copy of the warrant service tracking sheet attached to the physical copy of the warrant in the Communications Center.

### III. EXECUTING A HIGH RISK ARREST WARRANT

- A. The supervisor in charge of the warrant service, upon approval of the Division Commander, will coordinate with the Tactical Team Commander (TTC), for use of the Special Response Team to assist in service of the warrant.
- B. A high risk arrest warrant meets the following criteria:
  - 1. Suspect is known to be dangerous;
  - 2. Violence is likely to be encountered;
  - 3. It is believed weapons are being carried or are immediately available to the suspect; and/or
  - 4. By the nature of the totality of the information available, it is believed that the risk is such that it exceeds what can be handled by a normal narcotics, patrol, or Criminal Investigation Division (CID) response.

### IV. HOW TO RETURN A WARRANT

- A. Once an arrest warrant has been executed, the accused will be transported to the holding facility where the warrant will be processed.
- B. An Arrest Disposition Report will be completed and the warrant will be pulled from the Communications Center.
- C. The warrant will be completed and signed by the arresting officer, indicating service.
- D. The warrant service tracking sheet will be completed, indicating that the warrant was served, and will be removed from the warrant folder and attached to the copy of the court copy of the Arrest Disposition Report.

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