

2.7.6 Execution of Arrest Warrants

I. POLICY

It is the policy of the Johnstown Police Department that all personnel comply with the provisions of this general order.

II. PURPOSE

This general order is to establish guidelines for police officers executing the criminal process in accordance with the Pennsylvania Rules of Criminal Procedure.

III. PROCEDURE

- A. Only sworn law enforcement officers shall execute arrest warrants.
- B. The ranking on-duty police supervisor will determine the number of officers required when serving warrants. Body armor will be worn, in accordance with General Order 2.1.4.
 - 1. The supervisor will also decide if the chief or captain be contacted for S.E.R.T. deployment in high-risk warrant situations.
- C. When executing a warrant service outside of the Johnstown Police Department, the police department responsible for the area where service is being attempted will be notified and permission requested, as per the Municipal Police Officer's Jurisdiction Act.
- D. When an outside agency is requesting permission from the Johnstown Police Department to serve a warrant in our jurisdiction, it is up to the on-duty supervisor to grant permission after confirmation of the warrant.
- E. Procedures for Arrest Warrants.
 - 1. Pursuant to Rule 431, when a defendant is arrested with a summary warrant, the police officer shall:
 - a. Process by completing an arrest sheet, photograph and fingerprinting.
 - b. Cause the defendant to be taken without necessary delay before the proper issuing authority, which normally in summary cases is the district judge that signed the warrant.
 - 2. Pursuant to Rules 515-518 of the Rules of Criminal Procedure as it relates to the execution of arrest warrants, the following apply:

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- a. A warrant of arrest may be executed at any place within the Commonwealth. A warrant of arrest shall be executed by a sworn police officer.
- b. When a defendant has been arrested with a warrant within the judicial district of issuance, the defendant shall be afforded a preliminary arraignment without unnecessary delay.
- c. When a defendant has been arrested with a warrant outside the judicial district of issuance, the defendant shall be taken without unnecessary delay to the proper issuing authority where the arrest occurred for the purpose of posting bail.
- d. A defendant may be taken for preliminary arraignment to a site using advanced communication technology without regard to the boundary of any magisterial district.
- e. If a served warrant had been entered into CLEAN or NCIC by the Johnstown Police Department the entry shall be canceled at the time of service.

F. Fugitive from Justice

When a Johnstown Police Officer comes into contact with a subject wanted from another county or state, he/she shall:

1. Confirm the warrant and extradition with the out-of-state agency. A scope message confirming that the warrant is active and extradition is desired shall accompany any verbal confirmation. A fax of the out-of-state warrant will also be requested.
2. The fugitive should be processed, to include at a minimum, completing an incident report, arrest face sheet, photograph and fingerprinting.
3. The fugitive will be taken, without delay, before the issuing authority, or on-call district judge, for a preliminary arraignment.
4. The fugitive can consent to waive the preliminary arraignment at the arrest location if they are awarded their preliminary arraignment without unnecessary delay in the judicial district where the warrant was issued.

G. Procedures for Search Warrants

1. In accordance with Rule 201 of the Pennsylvania Rules of Criminal Procedure as it relates to the purpose of a search warrant, the following applies:
 - a. A search warrant may be issued to search for and to seize contraband, the fruits of a crime, or things otherwise criminally possessed; or property that is or has been used as the means of committing a criminal offense; or property that constitutes evidence or the commission of a criminal offense.

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2. Rule 204 of the Pennsylvania Rules of Criminal Procedure, entitled “Person to serve warrant,” says a law enforcement officer shall serve a search warrant.
3. Pursuant to Rule 206 of the Pennsylvania Rules of Criminal Procedure as it relates to contents of an application for a search warrant, the following must be included:
 - a. Name and department of the affiant.
 - b. Identify specifically the items to be searched for and seized.
 - c. Describe with particularity the person or place to be searched.
 - d. Identify the owner, occupant, or possessor of the place to be searched.
 - e. Specify the crime, which has been or is being committed.
 - f. Set forth specifically the facts and circumstances which form the basis for the affiant’s conclusion that there is probable cause to believe that the items identified are evidence of a crime, contraband, or otherwise unlawfully possessed, and that these items are located on the particular person or at the particular place described.
 - g. If a nighttime search is requested from 10pm to 6am, state additional reasonable cause for seeking permission to search in nighttime.
4. All Johnstown police officers will comply with Rule 207 of the Pennsylvania Rules of Criminal Procedures, entitled “Manner of entry into premises,” when executing a search warrant. This rule says a law enforcement officer executing a search warrant shall, before entry, give, or make reasonable effort to give, notice of the officer’s identity, authority, and purpose to any occupant of the premises specified in the warrant. The officer shall await a response for a reasonable period of time after announcement, unless exigent circumstances require the officer’s immediate forcible entry. If the officer is not admitted after such reasonable period, the officer may forcibly enter the premises and may use as much physical force to effect entry as is necessary to execute the search.
5. Rule 208 of the Pennsylvania Rules of Criminal Procedure, entitled “Copy of search warrant and receipt for seized property,” dictates upon taking property pursuant to a search warrant, an officer shall leave a copy of the warrant and affidavits, and a receipt for property seized. If no property is seized, but a search was conducted, the officer will leave a copy of the warrant and the supporting affidavits.
6. Rule 209 of the Pennsylvania Rules of Criminal Procedure, entitled “Return with Inventory,” mandates the law enforcement officer serving a search warrant shall make an inventory of items seized. The inventory shall be done in the presence of at least one witness; preferably the person whose property is being seized. A copy of the served search warrant along with the inventory items seized will be forwarded to the appropriate issuing authority.

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Effective Date:

Date: March 16, 2007

By Order Of:

Craig Foust
Chief Of Police