

	<p style="text-align: center;">BRIDGEPORT POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution	General Order Number
		ALL PERSONNEL	<b>10.02</b>
		Original Issue Date	Reissue/Effective Date
		11/17/20	12/8/20
Order Title:  <b>LEGAL PROCESS – CRIMINAL PROCESS</b>		Accreditation Standard: POSTC: 1.7.20b, 1.10.7	Section  10
		Section Title SUPPORT AND TECHNICAL SERVICES	
Rescinds:		<b>Rebeca Garcia, Chief of Police</b>	

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting*

## I. PURPOSE:

The purpose of this general order is to establish a written directive that describes the Bridgeport Police Department’s procedures for the preparation and execution of criminal process documents.

## II. POLICY:

It is the policy of the Bridgeport Police Department that whenever an officer makes an arrest, or engages in a search and/or seizure in the course of an investigation, that arrest or search and/or seizure will be conducted under a valid warrant, unless the arrest or search is defined as an exception to the warrant requirement. This directive establishes guidelines for the preparation and execution of arrest and search and seizure warrants. In addition, only sworn members of the Department are authorized to serve an arrest warrant.

## III. PROCEDURE

### A. Arrest Warrants

#### 1. General Requirements

- a. The investigating officer will complete arrest warrant applications when the following conditions are present:
  - 1) An arrest without a warrant is not practical or there is currently no probable cause for an arrest.
  - 2) The facts and circumstances of the case would lead a reasonably prudent person to believe that a crime was committed and the accused

was the person who committed the crime.

- b. The warrant application will be completed on the appropriate State form, and/or Special Affidavit when applicable, by providing all required information as detailed as possible
- c. Per Connecticut General Statute §54-86e, the name and address of a sexual assault or risk of injury victim cannot appear in the arrest warrant affidavit. In lieu of the victim's name, the following language must appear in all such affidavits: "On (date), a (age)-year old female complained to the Bridgeport Police Department that (he/she) had been the victim of a sexual assault."
- d. A sworn supervisor will review the affidavit prior to notarizing it to ensure that the format is correct, and that probable cause does exist for the arrest of the accused
- e. The arrest warrant application will be attached to a completed Arrest Warrant Information Sheet, including all supporting documentation.
- f. The application is either submitted by the investigator or delivered by the Court Liaison Officer.
- g. A copy of the arrest warrant application will be attached to the original case report in the Records Division.

## 2. Disapproved Arrest Warrants

- a. Warrants, which have been denied, may be resubmitted under the following circumstances:
  - 1) There is substantial new evidence developed;
  - 2) The prosecutor has suggested ways to improve a deficient warrant and they have been followed;
  - 3) They are transmitted with an explanation of the basis for review to the State's Attorney, who previously denied the warrant.
- b. Warrants that are disapproved shall be brought to the attention of the investigating officer's immediate Supervisor for a discussion on whether or not the warrant should be resubmitted.
- c. Warrants that will be resubmitted shall include any additional information that is required and/or requested.
- d. Warrants that will not be resubmitted will be forwarded to the Records Division and attached to the original case report, along with a supplement explaining the reason for the warrant's denial. The case status shall be updated through the NexGen tab.

## 3. Approved Arrest Warrants

- a. Upon receiving an active adult warrant, and any juvenile arrest warrant, the Detective Supervisor, shall examine the document for completeness. Once approved, the warrants will be forwarded to the Records Division to be logged in.

b. Records Division

- 1) Upon receipt of an arrest warrant, the Records Division shall make certain that an NCIC criminal want record is generated and affixed to the front of the Arrest Warrant Service Record.

c. Unreasonable delay

- 1) The court may dismiss a case involving an arrest with or without a warrant where police did not diligently attempt to affect an arrest. The dismissal may be based on either violation of C.G.S. § 54-193(b), commonly referred to as the statute of limitations, or on violation of the “due process” clause of the U.S. Constitution
- 2) C.G.S. § 54-193(b) states that a misdemeanor prosecution must occur within one year of the crime and prosecution for most felonies within five years
- 3) This time period may be rendered inapplicable where an arrest warrant has been issued within the one or five year period. However, the warrant will still be valid only if it is executed without unreasonable delay. Reasonableness depends upon:
  - (a) Efforts to serve the warrant
  - (b) Length of delay
  - (c) Availability of suspect
- 4) The “due process” clause is interpreted to mean that an arrest, even within the statute of limitations, may be subject to dismissal if the accused can show an unjustified delay in the arrest and such delay resulted in actual substantial prejudice to the defense

d. Arrest Warrant Service – General Responsibilities

- 1) All operational components shall have the responsibility for service of arrest warrants. Investigating officers should initially attempt to serve all warrants that they have obtained
- 2) Any sworn Department member, attempting the service of an arrest warrant, will ensure that a CAD entry is made documenting the attempt. The CAD entry will include at a minimum the name of the suspect and the address of the attempt
- 3) Priorities for serving outstanding arrest warrants will be based on the seriousness of the crime and/or the availability of manpower

**NOTE: Keep in mind that low apprehension rates are generally attributed to the fact that those who willfully fail to appear do not remain in the area for long, indicating that FTA warrants should receive special attention.**

e. Arrest Warrant Service – Supervisor Responsibilities

- 1) The Shift Supervisor shall be responsible to ensure that service

attempts, from warrants generated by an officer assigned to their shift, are made. The Shift Supervisor shall:

- Institute a program whereby a service attempt will be made on no less than a monthly basis for each warrant assigned to their Officers.
- Shift Supervisors will insure that when an accused turns him or herself in on an arrest warrant, or inquires about doing so during a shift, that the accused is served and not referred to the Affiant Officer's shift.
- Shift Supervisors may, in their judgment, authorize two officers to act during their work shift as a "warrant team." These officers will attempt to serve and process as many accused as time permits.
- Sergeants shall be responsible for the re-assignment of Arrest Warrants to personnel in the event of personnel changes such as the separation from service of officers on their shift or extended absences.
- Shift Supervisors shall be responsible to see that the Arrest Warrant material, with accompanying supporting documents needed for Court trial, shall be completed within a timely manner as proscribed by Department Orders. Additionally, the Sergeant shall be responsible to see that any in-house or NCIC teletype messages have been canceled by personnel under his direction.

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**B. Search Warrants**

1. General Requirements

a. The application procedure includes the following provisions:

1) Requires two affiants, or a State's Attorney; or an Assistant State's

Attorney

- 2) Must be reviewed by a State's Attorney, unless the State's Attorney was one of the affiants
- 3) Must be issued by a judge of the superior court
- 4) Only written affidavits are acceptable
- 5) Property subject to seizure may include:
  - (a) That, which is possessed, controlled, designed, used or intended to be used in a crime
  - (b) Stolen or embezzled items
  - (c) Evidence of a crime
  - (d) Participation in a crime
- 6) Contents of the application must indicate:
  - (a) Person or property to be searched
  - (b) Items sought
  - (c) Basis of probable cause

b. The applicant(s) for the search and seizure warrant shall file a copy of the application for the warrant and all affidavits with the clerk of the court for the geographical area within which the search will be conducted no later than the next business day following the issuance of the warrant, however, warrants that are served and returned to the court by the next business day are not exempt from this requirement.

2. The Search Warrant

- a. Law requires no prescribed form. However, as a general practice, officers will use State of Connecticut Superior Court Affidavit and Application Search and Seizure Warrant.
- b. Required contents:
  - 1) Person/place to be searched
  - 2) Property sought
  - 3) Statement of grounds or probable cause

3. Execution of search warrants

- a. Execution of search warrants must be done within ten (10) days of issuance
- b. A Supervisor must be present when executing all Bridgeport Police Department search warrants
- c. Special provisions:

**NOTE: Search of a person is authorized if there is reason to believe the items sought are concealed on that person.**

- d. Within 48 hours, the owner of the property that was searched must be given a copy of the application and affidavits unless the issuing judge grants dispensation of the requirement.

4. Return and records procedure:

- a. The search warrant must be returned with reasonable promptness consistent with due process of law.
- b. Documentation required when property is seized:
  - 1) Detailed inventory listed on return for and inventory section of the search and seizure warrant
  - 2) When property is seized as a result of a search warrant, an *Advisement of Rights/Seized Property* form, must be completed and given to the person from whom the property was seized or persons having possessory interest in the premises from which the property was seized
  - 3) When stolen property is recovered, an *Advisement of Rights/Seized Property* form must be sent to the property owner within 10 days
- c. All paperwork in connection with the search warrant must be filed with the clerk of the court for the geographical area in which the search warrant was served unless an arrest was made, in which case the inventory together with the uniform arrest report shall be filed with the clerk of the court for the geographical area in which the criminal offense is alleged to have been committed (C.G.S. § 54-36A)

5. Search Warrants Ordered Sealed by a Judge

- a. Once a search warrant has been signed and ordered sealed by a judge, the affiants must make a copy of the application for the warrant and the affidavit in support of the warrant, and place the original in a sealed envelope. Copies of pages 5 and 6 should be attached to the outside of the envelope. The sealed envelope must be delivered to the clerk of the appropriate court on the next business day by the affiants or the designated court liaison officer. The exterior of the envelope should bear the following information:
  - 1) Item: *Copy-Sealed Search Warrant*
  - 2) Police Department: *Bridgeport Police Department*
  - 3) Bridgeport P.D. Case Number: Indicate the case number
  - 4) Subject Information: Name and Date of Birth (if applicable)
  - 5) Date Warrant Issued: Indicate the warrant date
- b. On the next business day following the execution of the warrant, the clerk of the appropriate court shall be notified of the warrant service.

6. Service of Search Warrants within our Jurisdiction

Generally, the search warrant should be served during the normal hours of the day or when someone is home, barring any exigent circumstances. In addition, the following guidelines will apply:

- a. Under normally circumstances, officers will comply with the “knock and announce” rule
- b. Officers will identify themselves and explain that we are there to serve a search warrant
- c. A copy of the search warrant will be given to the owner or person in control of the premises
- d. Immediately control all the individuals on the premises, including a pat down or search of the persons present depending on the scope of the warrant
- e. All parties should be placed in one area (previously searched) and monitored by an officer
- f. If the amount of property to be seized is extensive, upon approval of the Detective Division Supervisor, or an outside agency may be called to assist.

7. Service of Search Warrants Outside our Jurisdiction

The Supervisor of the unit serving the warrant will be responsible for contacting the agency responsible for that jurisdiction and requesting assistance. The agency is not required to assist us with the service, and the particulars of the request shall be noted in the police report. When serving a search warrant outside our jurisdiction, a Supervisor from our Department will be present.

8. Outside Agencies Serving Search Warrants in our Jurisdiction

When an outside law enforcement agency calls to request assistance in the service of a search warrant within our jurisdiction, the Shift Supervisor will make every attempt to provide the assistance requested

The property/evidence seized under the search warrant will generally go to the agency in control of the jurisdiction where the crime will be prosecuted.

If members of our Department are present in this situation, a police report will be required, including the location, the name of the officer(s) assigned, the name of the outside agency, and the names of all other officers present.

**C. Arrest Warrants Served Only by Sworn Personnel**

Statutory mandates, plus the potential civil liability associated with the arrest process, make it essential that only full-time sworn members of the Department serve arrest warrants.

**D. Protective Orders and Restraining Orders**



Bridgeport Police Department employees will follow the procedures for maintenance, administration, and review of Protective Orders and Restraining Orders as outlined in General Order 5.05, Family Violence Investigations.