# CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 74.3

SUBJECT: CRIMINAL PROCESS

EFFECTIVE DATE: 10/01/09
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PURPOSE:

The purpose of this policy is to establish guidelines for use by officers serving warrants.

POLICY:

## 74.3.1    EXECUTION OF CRIMINAL PROCESS

A.  Arrest Warrants.

1.  Officers may make an arrest if they are in possession of a warrant or if they have reasonable grounds to believe that a warrant for the person's arrest has been issued in this State or in another jurisdiction (725 ILCS 5/107-2). Whenever possible, officers shall verify the validity of a warrant by contacting the originating agency prior to attempting to execute a warrant.

    a.  Officers are expected to maintain a working knowledge of the Illinois Compiled Statutes and Judicial decisions relating to arrest procedures and prisoner rights. Training will be provided when changes in procedure result from new Statutes or judicial decisions.

2.  Any pre-planned operation involving a Felony Arrest Warrant should have a "CPD Warrant Packet" and "CPD Threat Assessment for Warrant Service" completed prior to the warrant service, if possible.  These documents should be submitted to the Unit supervisor then to the SWAT Commander, Asst. SWAT Commander, SWAT Team Leader, or designee as soon as possible to allow for a thorough review.

3.  The Champaign County Sheriff's Department maintains all criminal warrants issued through the Champaign County State's Attorney's Office.

4.  The Champaign Police Department maintains only "City" warrants, which are warrants issued through the City Attorney's Office pursuant to ordinance violations.

    a.  "City" warrants are not entered into LEADS or NCIC. "City" warrants files are, however, entered into the ARMS database, and may be accessed 24 hours per day by both members of this department and by other local participating departments.

b.  When notified that a defendant has been arrested on an outstanding City warrant, whether by an officer of either this department or another agency, the following steps shall be taken:

    1)  The warrant will be confirmed by accessing a hard copy of the warrant from warrant files.

    2)  The bond amount will be provided to the arresting officer.

    3)  An original copy of the warrant will be provided to the arresting officer.

    4)  The warrant will be removed from the ARMS database by an on-duty Front Desk staff member.

    5)  The arresting officer will transport the prisoner to the Champaign County Correctional Center.

    6)  Champaign County Correctional personnel will accept the prisoner upon completion of intake procedures.

    7)  Correctional personnel will house the prisoner until bond can be posted or a court appearance can be set.

    8)  Correctional personnel will designate a court appearance date if and when the defendant posts bond on the warrant.

5.  When an officer of this Department learns there is an active warrant issued by another agency, the originating agency shall be contacted to confirm that the warrant is still active and the subject is within the geographical limits of the warrant.  Upon confirmation, the subject shall be placed under arrest, transported to the Champaign County Correctional Center, and left in the custody of correctional officers upon completion of intake procedures.

    a.  It will be the responsibility of the originating agency to clear the warrant from LEADS.

B.  Search Warrants.

1.  Officers executing search warrants will do so in compliance with all applicable law, including but not limited to the Illinois Compiled Statutes, 725 ILCS 5/108 et seq., Search and Seizure.

    a.  All search warrant planning documents shall include the planning steps taken to ensure the accuracy of the address or location of the area or location to be searched.

b. All search warrant planning documents must include specific and detailed planning information to account for children or other vulnerable persons at the location.

2. All Search Warrants **MUST** have a completed "CPD Warrant Packet" and "CPD Threat Assessment for Warrant Service" completed prior to the service of the warrant unless exigent circumstances exist for immediate service and are documented in the report. These documents should be submitted to the Unit supervisor then to the SWAT Commander, Asst. SWAT Commander, SWAT Team Leader, or designee as soon as possible to allow for a thorough review.

3. Search warrants are valid for 96 hours from the time of issuance, and may be executed any time of day or night.

4. Officers executing a search warrant may use only that force which is necessary and reasonable to effect entry into a building for the execution of the warrant.

5. When executing a search warrant, officers may detain anyone at the place of execution to protect themselves from attack and/or to prevent the disposal or concealment of items described in the warrant.

6. When a search warrant is executed, a copy of the warrant will be left with anyone from whom items are seized. If no one is available at the place where the warrant is executed, a copy of the warrant will be left at the place from where any items were seized.

7. If a search warrant is not executed within statutory time limits, it shall be returned to the issuing judge as "not served".

8. When a search warrant is executed, a list of items seized will be returned without unnecessary delay to the issuing judge or any court of competent jurisdiction. An inventory of the items seized will be filed with the return and signed under oath by the officer executing the search warrant.

9. The item or items which are the object of the search will determine the scope of the search. For example, a search warrant which authorizes officers to search for and seize narcotics provides authority for a wider search since narcotics are small enough to be hidden any place. In such a case, looking into desks, clothing, and other personal effects would be reasonable. However, if a 25-inch color television is the object of the search, then looking into desks, clothing and personal effects would be unreasonable.

10. Except for contraband, only items which are listed on the search warrant may be seized. If contraband is seized, it will also be listed on the search warrant inventory.

11. Arrested persons should typically be removed from the scene as soon as possible and transported to the Champaign County Correctional Center.

12. If the property or evidence of another crime is observed while executing the search warrant and those items are not listed on the search warrant, they will not be taken. In such cases the supervisor in charge will post an officer to prevent the removal of those items and apply for another search warrant which authorizes the seizure of those items.

13. As a courtesy and for informational and safety purposes, prior to serving a search warrant outside of City limits officers should notify the agency having jurisdiction over the location where the warrant is to be served. A supervisor may decide to forego the notification if, in his opinion, it would jeopardize the service of the warrant. In such cases, notification will be made immediately after the warrant has been served.

14. A supervisor must be present to supervise the execution of all search warrants.

C. Notice to Appear (NTA) or Summons in lieu of arrest.

1. When an arrest is made without a warrant, the use of a Notice to Appear (NTA) or summons is not routinely permitted.

2. A Notice to Appear (NTA) or summons may only be issued only with the approval of a supervisor.

3. When a Notice to Appear (NTA) or summons is issue, the reason for its issuance shall be documented in the corresponding police report.

### 74.3.2 EXECUTION BY SWORN OFFICERS

A. All arrest warrants, whether criminal or civil, and search warrants will be executed only by sworn police officers of this department, and execution will be in conformance with applicable state, federal, and local laws and court rulings.

ISSUING AUTHORITY

Anthony D. Cobb
Chief of Police
Champaign Police Department