

## ARREST AFFIDAVIT / ORDER (WARRANTLESS)

### POLICY:

It is the policy of the Omaha Police Department (OPD) to complete a Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)) for all non-warrant felony arrests to make sure that no person is detained for more than forty-eight (48) hours without a judge reviewing the charges against the person.

### PROCEDURE:

#### I. Completion of the Warrantless Arrest Affidavit/Order Form

- A. OPD officers shall complete a Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)) for all non-warrant felony arrests.
- B. The Affidavit/Order is not required for a warrant arrest which is accompanied by no other charges. OPD officers shall not complete an Affidavit/Order for warrant arrests as [OPD Form 156A](#) is only for warrantless arrests.  
  
**NOTE:** All felony warrant arrests have already been reviewed by a judge and do not require a Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)). See the OPD ["Warrants – Applications and Filing"](#) policy for details.
- C. The Affidavit will be completed by the arresting officer for all non-warrant felony arrests regardless of the time of arrest.
- D. Officers will complete a brief synopsis on the Affidavit outlining the incident and the probable cause of arrest.
  - 1. The Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)) must stand alone as a report when it is submitted to the assigned Duty Judge for review.
  - 2. This synopsis will be "generic" in that there should be no victim or witness names given, and, instead, all victims and witnesses will be referred to by numbers, for example: Victim #1 and Witness #1, etc.
- E. Officers shall not complete the Order page of the Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)) but will enter the Defendant's name in the space provided at the top of the page.
  - 1. When scanning, emailing, and/or faxing the Affidavit/Order, officers shall ensure that no pages are missing. The Affidavit page(s) and Order page(s) shall all be included.
- F. Officers shall provide the completed and notarized Warrantless Arrest Affidavit Order ([OPD Form 156A](#)) to Douglas County Department of Corrections (DCDC) Admissions staff when they physically book an arrestee.
  - 1. DCDC staff will not accept an arrestee without the original, notarized Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)).
  - 2. DCDC staff will make certain all Affidavits are completely filled out prior to accepting an arrestee into booking.
- G. When booking a subject at a different location (i.e., paper booking), officers shall provide a copy of the completed and notarized Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)) to DCDC Admissions via either fax or email (but not both methods). See [Appendix A](#) for the DCDC Admissions email and phone/fax number.

## II. Routing of Warrantless Arrest Affidavit/Orders

- A. The officer who completes the Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)) shall sign it, ensure it is notarized, and immediately email it to the Duty Judge (See [Appendix A](#) for the email address). This must be completed first regardless of where the Affidavit/Order is being completed.

1. In the event email is not available, the forms must still be provided to the Duty Judge within 24 hours. Officers shall consult with their supervisor, OPD Customer Services Unit (CSU) Lieutenant and/or the OPD Court Liaison Squad for guidance if this occurs.

**NOTE:** After officers print the Affidavit/Order, officers shall check to see if it printed on both sides and ensure both sides are included when they scan, email, and/or fax to others.

- B. After a copy of the Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)) is sent to the Duty Judge, officers shall email a copy to the OPD Records Squad at [records.unit@cityofomaha.org](mailto:records.unit@cityofomaha.org).

1. This shall be done at all times, including weekends and holidays.
2. Officers shall send a copy in PDF format.
  - a. If officers are at DCDC, the scanner/printer will automatically convert the document to PDF when officers email it to the Records Squad.
3. In the subject line of the email, officers shall put "Warrantless Arrest Affidavit."
  - a. If the officer is using the scanner/printer at DCDC, there is no option to customize the subject line of the email. The Records Squad is aware of the automated subject line that will appear when they receive the email.
4. On weekdays, the Records Squad shall retrieve the Affidavits/Orders that were sent the day prior, over the weekend, or over the holiday and upload them into RMS before 0800 hours.
5. The Douglas County Attorney's Office (DCAO), Duty Judge, and others with access to RMS will then be able to retrieve and review the Affidavits/Orders. Once reviewed, the Judge will make a determination as to probable cause, and if necessary, will call DCDC to order the release of an individual.

**NOTE:** The preferred and more efficient method is for officers to email a copy of the Affidavit/Order to the Records Squad. However, in the event email is not available, officers shall ensure a copy gets to the Records Squad via Inter-Departmental mail or by placing a copy in the Records Squad mailbox on the third floor at Central Headquarters.

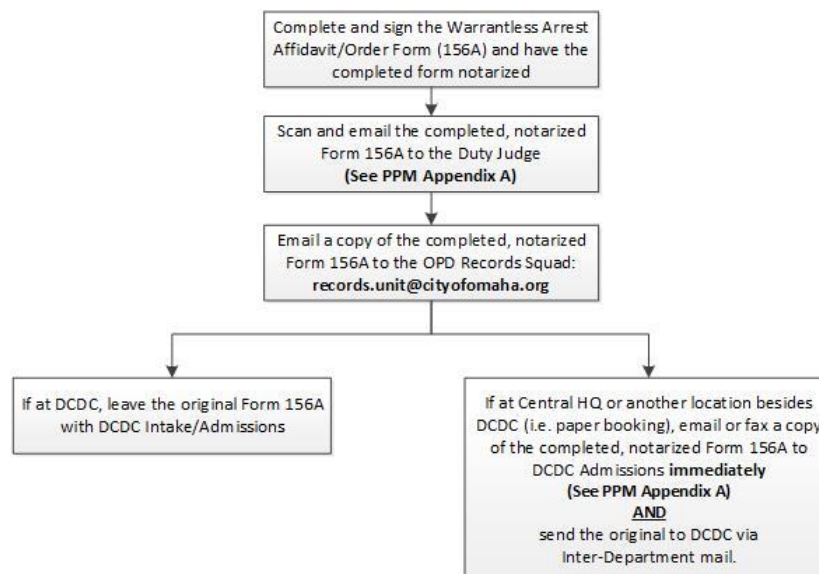
- C. After the Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)) is sent to the Duty Judge and the OPD Records Squad, officers shall follow the next steps, depending upon where they are located:

1. If at DCDC, the original Affidavit/Order shall be turned in to DCDC Admissions staff.
2. If at Central Headquarters or another location besides DCDC (i.e., paper booking), the officer shall email or fax a copy immediately to DCDC (See [Appendix A](#)). Officers shall also forward the original Affidavit/Order to DCDC via Inter-Departmental mail.

**NOTE:** DCDC wants to review the original, notarized Affidavit/Order which is why officers must ensure they follow this step, even if they have already sent a copy via email or fax to DCDC.

- D. The CSU/Court Liaison Squad shall collect the original Affidavits/Orders from DCDC and deliver them to the Douglas County Court Administration Office during regular business hours.
- E. Per the DCAO, officers DO NOT need to compile Felony Warrantless Arrest Packets. The DCAO, Duty Judge, and others with access to RMS are able to retrieve reports and other documents from RMS that were historically included in the packets.
1. Reports that must be completed in the electronic reporting system (i.e., FATPOT or PortalOne) shall be completed and submitted NO LATER than the end of an officer's shift so that command and the OPD Data Review Squad can review/approve the reports, and so others with access to the RMS, including the DCAO and judges, can retrieve reports in a timely manner.
  2. If officers have other documents or reports that are not completed in the electronic reporting system, but need to be uploaded to RMS, officers shall place the documents in the OPD Data Review Squad mail tray at OPD Central Headquarters.
- EXAMPLE:** Rights Advisory Form, Infrared Absorption Checklist, Felony Wanted Cancellations, crime lab reports, photographic evidence, etc.
- a. Officers may also email the documents to the OPD Data Review Squad (See [Appendix A](#) for the email address).
  - b. After the OPD Data Review Squad reviews the information, the OPD Records Squad shall upload the documents to RMS in a timely manner.
- F. See the OPD "[Juvenile – Authorization to Detain](#)" policy for procedures related to submitting packets/affidavits for juveniles. See the OPD "[Warrants – Applications and Filing](#)" policy and the "[Booking – General Procedure](#)" policy for information related to felony warrant arrests. Also see the OPD "[Booking – General Procedure](#)" policy for information related to Misdemeanor Arrest Packets.

### III. Warrantless Arrest Affidavit/Order ([OPD Form 156A](#)) Completion and Routing Flow Chart



## **REFERENCES:**

### **I. Laws**

- A. State v. Nissen, 252 Neb. 51, 560 N.W.2d 157 (1997) and Riverside v. McLaughlin, 500 U.S. 44 (1991) are applicable to this policy.
- B. Nebraska Revised Statutes (NRS): [§29-410](#).

### **II. Previous OPD Orders**

- A. Previous General Orders: #39-93, 16-05, 45-13, 26-17, 26-17 Supplements #1-3, 85-18, 25-22, 15-24, and 12-25.

### **III. Accreditation Standards**

- A. Relevant CALEA Accreditation Standards: 1.2.5.

### **IV. Other**

- A. PPM Monthly Updates: #03-2020.