



General Order 74.3 - Legal Process

PURPOSE: Define execution of criminal process, the execution of arrest warrants, arrest without a warrant, and the arrest and release of juveniles.

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ISSUED BY: Sheriff Jeffrey Easter

REVIEWED BY: Policy Review Committee

INDEX AS:

[74.3.1 Execution of Criminal Process](#)

[74.3.2 Execution of Arrest Warrants](#)

[74.3.3 Arrest Without a Warrant](#)

[74.3.4 OPEN](#)

74.3.1 EXECUTION OF CRIMINAL PROCESS

- A. The Sedgwick County Sheriff's Office will execute the following types of criminal warrants:
 - 1. Felony;
 - 2. Misdemeanor;
 - 3. Failure to appear; and
 - 4. Search warrants.
- B. Territorial limitation of the execution of these warrants shall be the jurisdictional boundaries of Sedgwick County, Kansas.
- C. The time requirement concerning the execution of criminal process shall closely adhere to K.S.A. 21-5107. Special attention should be given to subsection (g) of this statute regarding "unreasonable delay."

- D. When serving criminal process within the boundaries of Sedgwick County, deputies will adhere to the statutory provisions for summoning aid contained within [K.S.A. 19-813](#). When serving criminal process outside the jurisdictional boundaries of Sedgwick County, deputies shall request assistance from the agency having jurisdiction.
- E. General arrest procedures are in accordance with [K.S.A. 22-2401](#).
1. Deputies shall not transport persons arrested by other jurisdictions on state warrants to a detention facility except with a supervisor's permission.
 2. Arrest warrants will be assigned to warrant investigators on the following prioritized basis for the active follow-up of warrant cases:
 - a. Seriousness of crime;
 - b. Failure to appear;
 - c. Known location of defendant;
 - d. High bonds; and
 - e. Criminal warrants precede civil warrants.
 3. Deputies who contact subjects of arrest warrants during the normal course of their duties will take those persons into custody in accordance with state law.
- F. The following requirements will be used when entering a building to make a warrant arrest:
1. K.S.A. 21-5227.
 2. Deputies shall have reasonable belief that the person named on the warrant lives at and is currently located in a private residence and/or private building prior to making entry. A supervisor shall be notified prior to such entry, unless exigent circumstances exist.
 3. Unless exigent circumstances exist deputies shall not enter into a third party residence when making an arrest without approval supervisor's approval and one of the following: a search warrant or consent of the person with control of the property.
 4. Absent exigent circumstances, entry into a residence or building will not be made without the approval of a supervisor when executing a misdemeanor warrant. A supervisor must assess the risks and alternatives to making entry on a misdemeanor warrant.
- G. A summons and complaint may be issued to the subject directing their appearance in court, and may be served by the deputy with or without the subject's signature.
1. Sworn members of the Sedgwick County Sheriff's Office may arrest persons based on probable cause, in accordance with state statute, for violations of state motor vehicle laws and/or resolutions.

- H. Certain persons may be immune from arrest in certain circumstances. See [K.S.A. 22-2725](#), [K.S.A. 22-2728](#), [K.S.A. 22-3102](#).

74.3.2 EXECUTION OF ARREST WARRANTS

- A. The Sedgwick County Sheriff's Office shall serve criminal warrants as provided by the criminal courts of this county and other jurisdictions. This service will be performed by a sworn member of the Sedgwick County Sheriff's Office.

74.3.3 ARREST WITHOUT A WARRANT

- A. A deputy shall execute an arrest without a warrant in accordance with [K.S.A. 22-2401](#).
(Refer to section [74.3.1](#).)

74.3.4 OPEN