

# Hamden Police Department General Orders

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**Policy Number:** 003-003

**Effective Date:** August 01, 2005

**Section:** Criminal Justice System

**Rescinds:**

**Title:** Arrest Warrants

**Approved By:**

**Approval Date:**

## PURPOSE

To provide a procedure for obtaining and serving arrest warrants.

## POLICY

Arrest warrants will only be served by sworn members of the Hamden Police Department. Where possible, arrest warrants should be served by the officer who obtains the warrant. However any officer can serve warrants.

## Procedures

### A. Arrest Warrant Applications

1. Arrest warrant applications will be completed by the investigating officer when any of the following conditions are present:
  - a. An arrest without a warrant is not authorized by law or is not practicable.
  - b. 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.
2. The warrant will be made out on the authorized Arrest Warrant Application, using a standard format that includes:
  - a. The name, date of birth, and last known address of the accused, if available.
  - b. The supporting notarized statements to be attached to the application.
  - c. The officers name, title, and years of service.
  - d. Facts and circumstances establishing probable cause that a crime was committed by the accused.

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- e. If possible a statement from the accused or if unable to obtain such a statement, documentation of attempts to obtain the statement and the reasons for refusal.
  - f. The statute number and title of the crime with which the accused is being charged.
  - g. The notarized signature and date of signing of the affidavit.
3. The name and/or address of the victim of a sexual assault and/ or risk of injury must NOT appear in the arrest warrant affidavit. The following language will be used in all such affidavits:

**On (date), a (age) year old female complained to the Hamden Police Department that she had been the victim of a sexual assault. The name and address of said victim are not being disclosed in this affidavit in order to comply with the requirements of Conn. Gen. Statute 54-86e.**

4. The officer's supervisor will review the affidavit prior to the notarizing it to ensure that the format is correct and that probable cause does exist for the arrest of the accused.
5. The arrest warrant application will be attached to a completed Warrant Face Sheet along with all supporting documentation. These will be transmitted to the court by the court officer unless mitigating circumstances require the investigating officer to submit the application directly
6. A copy of the arrest warrant application will be attached to the original case incident report in the Records Division.

### B. Disapproved Arrest Warrants

1. Warrants which have been denied may be resubmitted under the following circumstances:
  - a. There is substantial new evidence developed in the case.
  - b. The prosecutor has suggested ways to improve a deficient warrant and they have been followed.
  - c. They are transmitted with an explanation of the basis for review to the State's Attorney, who previously denied the warrant.

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2. Warrants which will not be resubmitted will be attached to the case report in Records, along with the explanation of why the warrant was denied.

### **C. Approved Arrest Warrants**

1. Upon receipt of an arrest warrant for service by this department the court officer detention officer will:
  - a. Review the warrant to ensure that it is valid on its face.
  - b. Inform the applying officer that the warrant has been approved.
  - c. Deliver the warrant to Records/Communications to be recorded and entered into proper computers.
2. Communications/Records will:
  - a. Log in all warrants received
  - b. Make out a case jacket for the warrant and place all pertinent information on same.
  - c. Make inquiry to NCIC, SPRC and MVD to gather all possible identifiers and include them on the Collect/NCIC entry. After entry note NCIC and CT Message #'s on warrant jacket.
  - d. Place the warrant in the warrant file which will have 24 hour access.
  - e. When time permits send out letters to the accused notifying them that a warrant exists for their arrest and soliciting their voluntary surrender.

### **D. Service of the Arrest Warrant Responsibility**

1. The investigating officer should attempt to serve those warrants that he/she has obtained.
2. Any sworn member of the Hamden Police Department, attempting the service of an arrest warrant, will file a supplemental report on the warrant service

### **E. Service of Arrest Warrants, Procedures**

1. Police officers may serve warrants anywhere in the State of Connecticut.
2. When the arrest is to be made at a home or place of business, the officers should have the warrant with them, time permitting.
3. Police officers do not need the warrant in hand to make the arrest.

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4. The officer making the arrest should make all reasonable efforts to ensure the person to be arrested is the person named and/or described in the warrant.
5. Verify that the warrant is still active, regardless of the circumstances.
6. Once at Headquarters, the officer will:
  - a. Sign the warrant.
  - b. Return the warrant jacket to Communications with a notation that it has been served and the date.
  - c. Complete the booking process.
3. All warrants removed from Communications must be signed out in the Warrant log book located in the warrant file.
4. Upon receipt of the warrant jacket Communications will remove same from NCIC/Collect and proper notation will be made into the in house computer, including the date the warrant was served.

### **F. Warrants from Other Agencies**

1. Occasionally the State Unemployment Division lodges a warrant with the Department.
2. A new case number will be taken when the warrant is received and a CIR report is done.
3. In such cases the department will send out a teletype and will cancel it upon serving of the warrant.
4. The arresting officer will be responsible for the same procedures as for a regular HPD warrant.

### **G. Warrants from Other Police Agencies TOT**

1. Persons arrested on verified active warrants from other police departments will be brought to Headquarters and processed accordingly.

### **H. Fugitives from Justice**

1. Persons to be arrested on outstanding warrants from another state will be handled as follows:

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- a. Ensure that the person to be arrested is the person named in the outstanding warrant.
  - b. Verify by teletype the validity of the warrant and whether or not the agency will extradite.
  - c. If the agency is not willing to extradite, no arrest will be made.
2. If the arrest is made, the prisoner will be:
  - a. Transported to H.Q.
  - b. Charged with Fugitive from Justice C.G.S. 54-170
  - c. Assigned an ID#, photographed and fingerprinted.
3. Bond **MUST** be set but should be appropriate for the charge and the history of the person arrested.
4. The Detective Division will be responsible for the follow up with the court, States Attorney and the originating agency.