

**DIRECTIVE 74.3  
CRIMINAL PROCESS**

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| <b>Issue Date: 05/27/2020</b>                    | <b>By Order of Chief of Police</b>                         |
| <b>Rescinds: (Issue 06/21/2012)<br/>Pages: 4</b> | <b>CALEA Standards<br/>Referenced: 74.3.1 &amp; 74.3.2</b> |

**This directive consists of the following sections:**

[\*\*74.3.1 Procedure, Criminal Process\*\*](#)

[\*\*74.3.2 Arrest Warrants Require Sworn Service\*\*](#)

**POLICY AND PROCEDURE:**

The functioning of the courts is affected by the prompt service of court documents. Thus, effectiveness and image of the judicial system are dependent, in part, upon the effective and timely service of court documents. Inadequate record keeping and/or inappropriate procedures may subject a law enforcement agency to litigation or liability. Miami Township Police Department shall provide for the effective and efficient processing and service of warrants directed to this agency for service.

[\*\*74.3.1 Procedure, Criminal Process\*\*](#)

[Arrest Warrants](#)

Processed arrest warrants will be maintained in the patrol room in the warrant bin. Records personnel shall place the warrant shuck containing the original and defendant's copy of the criminal complaint in the warrant bin.

All arrest warrant assigned shall have a service period not to exceed 45 days from receipt.

Arrest warrant service shall be performed solely by sworn personnel. Officers shall attempt service of arrest warrants 24/7 in the district they are assigned or as directed by the shift supervisor.

A copy of the arrest warrant will be maintained in records. This copy shall be maintained until a warrant is executed, transferred or recalled.

Officers shall record the method of execution of service or reason for non-service on the warrant shuck.

### Arrest Warrant Execution

Upon execution of service of a warrant, officers must confirm the validity of a warrant via the Remote Management System (RMS) or Clermont County Department of Public Safety. During office hours, officers may contact Clermont County Municipal Clerk of Courts to confirm the validity of the warrant.

Upon confirmation, the officer executing service shall either physically arrest, issue a summons in lieu of arrest or issue a recite. The decision on method of service is based upon:

- Service Ordered & Indicated on Warrant
- Ohio Rules of Criminal Procedure, Rule 4
- Special Orders of the Clermont County Sheriff Based on Jail Availability

### Physical Arrest

Felony arrest warrants shall and bench warrants may be executed by the physical arrest of the person named in the arrest warrant based upon the factors indicated above. Upon physical arrest, the officer shall read the complaint to the defendant, complete the return of executed warrant by arrest and serve the arrest warrant upon the defendant. The officer shall notify the Municipal Clerk of Courts office that the warrant was served. Persons arrested will be transported to the Clermont County Jail for processing. The officer shall file a temporary commitment form at the jail and leave the original arrest warrant with the completed return to the Clerk of Courts.

### Summons in Lieu of Arrest

Misdemeanor arrest warrants and bench warrants may be executed by summons in lieu of custodial arrest based upon the factors indicated above.

Prior to the execution of a summons in lieu of arrest, officers must confirm the validity of the arrest warrant. Upon confirmation, the executing officer shall read the complaint to the defendant, complete the summons endorsement, complete the return of executed warrant by summons and serve the summons and a copy of the criminal complaint upon the defendant. The officer shall notify the Municipal Clerk of Courts Office that the warrant has been served.

### Recite Issuance

Bench Warrants may be executed by issuance of a recite based upon the factors indicated above.

Prior to the execution of a recite, officers must confirm the validity of the bench warrant. Upon confirmation, the executing officer shall read the complaint to the defendant, serve a copy of the bench warrant upon the defendant and issue a new misdemeanor summons to the defendant. In the offense block of the misdemeanor summons form, the officer shall indicate the case number being recited. The officer shall notify the Municipal Clerk of Courts Office that the warrant has been served.

## Arrest Warrants Served Outside of Jurisdiction

Criminal arrest warrants are normally served by the agency having jurisdiction at the defendant's listed address. Occasionally, Miami Township will file a warrant and have immediate knowledge of the defendant's whereabouts in a neighboring jurisdiction. Officers are authorized to attempt service but shall first notify the affected jurisdiction. If the other jurisdiction wants to accompany the officer, they may do so.

Warrants issued for traffic offenses are sent to the arresting agency regardless of the defendant's address. If the warrant is for the offense of Operating a Vehicle Intoxicated and the defendant lives in Miami Township or a neighboring jurisdiction, the warrant will be processed, attempted and served per normal procedures. If the warrant is for the offense of Operating a Vehicle Intoxicated and the offender lives outside of a neighboring jurisdiction or if the warrant is for any other traffic offense, the warrant service criteria form attached to the warrant must be completed with the choice 'The defendant does not reside in our jurisdiction', and returned to the Clerk's Office.

## Search Warrants

Miami Township Police Department recognizes the rights of all citizens to be secure in their persons and property against unreasonable searches and seizures as guaranteed by the constitution. Whenever an officer engages in a search and/or seizure in the course of an investigation, which is not defined as an exception to the requirement for a warrant, that search and/or seizure will be conducted under a valid search and seizure warrant.

Search warrants are valuable tools available to law enforcement that enable the seizure of items necessary for successful investigations. This directive is intended to establish guidelines for officers to follow in applying for and execution of search warrants.

Any search warrant sought or executed by the Miami Township Police Department shall be in compliance with the following statutes:

### Search Warrants General

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|------------------------------|---|
| Ohio Revised Code – 2933.21  | Search Warrant  |
| Ohio Revised Code – 2933.22  | Probable Cause  |
| Ohio Revised Code – 2933.23  | Affidavit for Search Warrant                              |
| Ohio Revised Code – 2933.231 | Waiver of Statutory Precondition for Non-Consensual Entry |
| Ohio Revised Code – 2933.24  | Contents of Search Warrant; Report of Inspection Findings |
| Ohio Revised Code – 2933.241 | Inventory of Property Taken                               |
| Ohio Revised Code – 2933.25  | Form of Search Warrant                                    |
| Ohio Revised Code – 2933.26  | Property Seized to be Kept by Court                       |
| Ohio Revised Code – 2933.27  | Disposition of Property before Trial                      |
| Ohio Revised Code – 2933.29  | Property Seized Liable for Fines                          |
| Ohio Revised Code – 2933.30  | Search for Dead Bodies                                    |
| Ohio Revised Code – 2933.31  | Search in Case of Animals                                 |

## Body Cavity or Strip Searches Warrants

Ohio Revised Code – 2933.32 Conduct of Body Cavity or Strip Search;  
Conditions; Methods; Reports; Offense

## Interception of Communications Warrants

Ohio Revised Code – 2933.51 Definitions

Ohio Revised Code – 2933.52 Prohibitions against Interception of  
Communications; Exceptions

Ohio Revised Code – 2933.522 Authority of Judges of Courts of Common Pleas

Ohio Revised Code – 2933.53 Application for Interception Warrant; Contents;  
Exemptions

Ohio Revised Code – 2933.54 Issuance of Interception Warrant; Hearings

Ohio Revised Code – 2933.55 Extension of Interception Warrant; Approval of  
Interceptions Beyond Scope of Warrant

Ohio Revised Code – 2933.56 Contents of Interception Warrant; Sealing of  
records

Ohio Revised Code – 2933.57 Oral Order for Interception without Warrant

Ohio Revised Code – 2933.58 Instruction of Investigative Officers; Privileged  
Communications; Validity of Warrant

Ohio Revised Code – 2933.581 Assistance by Provider of Electronic  
Communication Service; Landlord, or Custodian;  
Prohibition against Disclosure of Existence of  
Interception

Ohio Revised Code – 2933.59 Execution of Interception Warrant; Altering  
Recordings or Resumes; Disclosure of Information

Ohio Revised Code – 2933.591 Giving Warning of Possible Surveillance

Ohio Revised Code – 2933.60 Expiration or Denial of Interception Warrant;  
Reports

Ohio Revised Code – 2933.61 Notice to Parties of Intercepted Communications

Ohio Revised Code – 2933.62 Use of Intercepted Communication in Evidence

Ohio Revised Code – 2933.63 Suppression of Contents of Intercepted  
Communication

Ohio Revised Code – 2933.66 Proceedings to Conform with Constitutional  
Provisions

## Pen Registers; Trap and Trace Devices

Ohio Revised Code – 2933.76 Order Authorizing Installation and Use of Pen  
Register or Trap and Trace Devices

Ohio Revised Code – 2933.77 Assistance by Provider of Electronic  
Communication Service, Landlord, or Custodian

Officers seeking additional information concerning search warrants may contact the  
Clermont County Prosecutor or Supervisory Staff

### **74.3.2 Arrest Warrants Require Sworn Service**

Arrest warrants and search warrants are only executed/served by sworn officers.