



Newport News Police Department - Operational Manual

OPS-407 - SERVICE OF WARRANTS

Amends/Supersedes: OPS-407 (03/23/2009)

Date of Issue: 08/14/2019

- I. PROCEDURES [74.3.1]
- A. The requirements and priorities for each type and class of warrant.
1. A Priority I designation is the highest priority. The following types of warrants should receive attempts for service as soon as possible:
 - a. All felony classes and class 1 and class 2 misdemeanor warrants of a violent nature where imminent danger to the victim or to others is present;
 - b. Any warrants issued by the magistrate, who at that time, believes that a threat of violence is still imminent, and where the service of the warrant would end the conflict or prevent it from accelerating;
 - c. Warrants that are issued by the magistrate on-duty, with a request for immediate service. The magistrate will notify the Records Section that the warrant needs to be served. The Records Section personnel will be responsible for contacting the Communications Division to have them notify an officer who is working the area of the address specified on the warrant. It will be the responsibility of the assigned officer to make an immediate attempt of service on this request. Any delay on service will require the authority of the on-duty field supervisor.
 2. A Priority II designation indicates all other types of warrants, which may be processed through normal procedures when there is no imminent threat to the safety of those involved in the incident.
 3. All other warrants and summonses will be maintained at the Records Section.
 4. Arrest warrants will only be executed by sworn personnel. [74.3.2]
- B. Inquiry and Service of Outstanding Warrants
1. Officers shall contact the Records Section personnel regarding inquiries on outstanding warrants. This will apply regardless of the manner by which the request is made.
 2. If an inquiry is made and a warrant is found to be outstanding for an individual, officers will not take enforcement action until Records Section personnel confirm that the warrant is physically in hand, and the information on the warrant matches the person the officer is inquiring about.
 3. §19.2-81 of the Code of Virginia allows officers to arrest, without a warrant or capias in hand, a misdemeanor suspect who committed the violation outside the officer's presence if the officer has received a radio message from a Virginia law enforcement agency that

the warrant or capias for the offense is on file. This also applies to felony warrants on file (see also Section I. F.).

4. Only Records Section and Fugitive Apprehension Unit personnel are authorized to enter and remove any legal process from its file location. Any warrant which is removed from the Record Section files, will be signed out in the Warrant Sign-Out Log located at the Records Section indicating the officer to whom the warrant was assigned. [74.1.2(b)]
 5. Officers must fill out the Warrant Service Tracking Sheet (NNPD Form #64) attached to the warrant each time an attempt to serve the warrant is made. The Warrant Tracking Sheet must be returned to the Records Section when the warrant is served (including tracking sheets attached to PB-15's and capiases). [74.1.2 (a,b,c,d,e)]
 6. Officers serving a warrant that has been obtained by another officer/detective shall first ensure that the appropriate officer/detective, or the on-call detective from the corresponding unit, has been notified by the Records Personnel member handling warrants. This shall occur **prior** to warrant service, and **will** occur **prior** to transporting the arrestee to the magistrate's office. The primary responsibility for ensuring that the appropriate officer/detective is notified falls to the officer serving the warrant, who shall complete NNPD Form #65 ("Warrant Notification").
- C. An officer who has a warrant signed out to him, and has been unable to serve the warrant prior to the end of his tour of duty, shall:
1. Physically return the warrant to the Records Section and sign it back in on the "Warrant Sign-Out Log"; or
 2. Turn in the unserved warrant to the on-coming duty supervisor. That supervisor will either re-assign the warrant to an on-duty officer for service, or ensure the warrant is returned to the Records Section. The supervisor will contact the Records Section by telephone to advise them of the warrant's status, and the Records Section personnel taking the telephone call will make the appropriate entry in the "Warrant Sign-Out Log."
- D. Faxing copies of warrants is prohibited except as follows:
- Fugitive Apprehension Unit and Records Section personnel will be allowed to fax copies of warrants as needed in their day to day activities and will be held responsible for documenting such activities.
- E. Warrants coming from the Magistrate's Office (to include the Video Magistrate System) for service must be processed/logged by the personnel in Records Section prior to service. Records Section must be aware of who the officer effecting service is to allow the personnel to update RMS. [74.1.2(a,b,c,d,e)]

NOTE: Once a warrant is entered into the eMagistrate system by the Magistrate, it must be acknowledged to be entered into NCIC within 72 hours.

In the event that no service was obtained on the warrant, it will be returned by the Officer to the Records Section.

F. Execution of Arrest Warrants

1. A police officer **may** enter a residence, house, apartment or motel room **without** the need of an arrest warrant or copy thereof **“in-hand”** to affect an arrest as long as the officer has verified:
 - a. The existence of a warrant for the suspect and its location physically **“in hand”** by the Magistrate of the City of Newport News or an employee of the Newport News Police Department-;
 - b. The residence to be entered is the same address recorded on the arrest warrant-;
 - c. The officer can positively identify the suspect; and
 - d. The officer has reason to believe the suspect is inside.
2. For Fourth Amendment purposes, an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which a suspect **lives** when there is reason to believe that the suspect is within (**Payton v. New York**, 445 U.S. 573, 603 (1980)). This rule applies to misdemeanor warrants as well as felonies (United States v. Spencer, 684 F. 2d 220, 222-24 (2d Cir. 1982; **Archer v. Commonwealth**, 24 Va. App. 1,3 (1997)).

G. Failure to Report for Scheduled Active Duty Training - Virginia National Guard Warrants

The Virginia National Guard is authorized under §44-41.1 of the Code of Virginia to issue a warrant of arrest against an active member of the Virginia National Guard who is in violation of valid orders by failing to initially report for annual active duty training (summer camp), or having initially reported, absents himself from his unit without leave.

1. The Department will make service, within its jurisdiction, on warrants charging the accused with "Failing to Report for Scheduled Active Duty Training". This process is issued by the officer of the Virginia National Guard authorized to convene a summary court-martial.
2. Any such person arrested by the Department will be taken before the magistrate on-duty.
3. The officer who made the arrest will notify the National Guard officer or Unit Commander of the issuing authority and advise them of the location where the accused can be picked up. No arrest card or booking procedure is required on this type of warrant.

Steven R. Drew
Chief of Police