


PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...accountability, integrity and respect."</i>		SUBJECT: "WARRANTS/SUMMONS - APPLICATION"	ORDER NUMBER: 52-1
		PLEAC STANDARD: 2.7.1, 2.7.2, 2.7.5, and 2.7.6	PAGE 1 OF 6
ISSUE DATE: 11/5/2015	EFFECTIVE DATE: 11/5/2015	ANNUAL REVIEW DATE: SEPTEMBER	RESCINDS: 52-1
		AMENDS: ALL PREVIOUS	

1.0 POLICY

- 1.1 It shall be the policy of the Pittsburgh Bureau of Police to proceed with criminal charges against an actor by either applying for a warrant or a summons when there is probable cause to do so.
- 1.2 It shall also be the policy of the Pittsburgh Bureau of Police that warrants, once issued, will be promptly served or attempted to be served if the defendant is not found.

2.0 PURPOSE

- 2.1 To explain the criteria when an officer must proceed by summons rather than making a physical arrest.
- 2.2 To explain the procedure of applying for a warrant.
- 2.3 To explain the procedure of applying for a summons when the defendant IS in custody.
- 2.4 To explain the procedure of applying for a summons when the defendant IS NOT in custody.
- 2.5 To inform officers and supervisors of their duties in serving and monitoring active warrants.

3.0 APPLYING FOR A WARRANT

- 3.1 Officers applying for a warrant shall complete the following paperwork:
 - 3.1.1 PBP Incident Report
 - 3.1.2 Affidavit of Probable Cause / Criminal Complaint
 - 3.1.3 PBP Supplemental Report (if needed)
- 3.2 The Incident Report and the PBP Supplemental Report shall be submitted to the officer's supervisor at the respective duty location for review and approval.
- 3.3 The Affidavit of Probable Cause / Criminal Complaint shall be submitted to the District Attorney's for approval.
- 3.4 Officers shall use the Allegheny Standardized Arrest Program (ASAP) in Quick Arrest to complete their Affidavit of Probable Cause / Criminal Complaint when the system is available. Officers shall use the Report Management System (RMS) to complete their reports when the system is available. The Quick Arrest and RMS icons can be found on PBP computers in the Zones, marked vehicles, and HQ
- 3.5 Officers shall check ASAP at the beginning of their tour of duty to determine the status of their Warrant application. The DA will return the Warrant as either Declined, Remanded, or Approved.
 - 3.5.1 **Declined applications** - The officer shall confer with their supervisor and either;
 - 3.5.1.1 **Rewrite** the Affidavit of Probable Cause / Criminal Complaint and resubmit after speaking with the DA as to what elements are missing or what changes need to be made.
 - 3.5.1.2 **Close the case** by completing a Supplementary Report stating why the DA's officer declined the warrant application.
 - 3.5.2 **Remanded applications** - The officer shall make the necessary corrections as provided by the DA to the Affidavit of Probable Cause / Criminal Complaint and resubmit it to the DA.

3.5.3 **Approved applications** – The officer shall print off a copy of the Affidavit of Probable Cause / Criminal Complaint, the Event/Incident Report. The officer shall take this paperwork to the Arraignment Court window where the Affidavit of Probable Cause / Criminal Complaint will be given to the court clerk. The clerk will give the officer the warrant to take before the judge for the judge's signature. The officer shall swear to the facts in the affidavit and take the signed warrant back to the court clerk. The clerk will make copies of the warrant and give a set to the officer. The officer shall scan the reports into their RMS case file.

4.0 **EXECUTING A WARRANT** (PLEAC Standard 2.7.5)

- 4.1 Officers shall serve their warrants in a timely manner from the date of issue.
- 4.2 Wherever possible, warrant service shall be planned in advance in consultation with a supervisor or other experienced officers.
- 4.3 Where advance planning and consultation are not possible, the arrest shall be made in accordance with the arresting officer's departmental training in arrest procedures.
- 4.4 Warrants shall be served at a time and place and in a manner that will maximize the probability of a successful arrest and minimize the danger to officers and innocent bystanders.
- 4.5 Whenever possible, warrants shall be served in a location where the arrest will not pose a threat to the safety of the public (e.g., not in crowded places where bystanders may be injured should the arrestee offer resistance, particularly resistance involving the use of firearms).
- 4.6 Execution of criminal arrest warrants, civil arrest warrants, or writs requiring the seizure of real or personal property shall only be performed by sworn members of the PBP. (PLEAC Standard 2.7.6 & 2.7.2)
- 4.7 The use of soft protective body armor is required by all personnel in the pre-planned execution of a Warrant see also General Order #31-7 Protective Soft Body Armor.

5.0 **APPLYING FOR A SUMMONS - defendant not in custody**

- 5.1 A **summons** will be applied for rather than a warrant when the **following criteria** have been met:
 - 5.1.1 The most serious charge is a Misdemeanor of the second degree (M2).
 - 5.1.2 The charges are **not** related to domestic violence.
 - 5.1.3 There are **no** existing outstanding **warrants** for the defendant.
 - 5.1.3.1 If the defendant has a warrant, the arresting officer shall note the warrant number in the Incident Report and the Affidavit of Probable Cause / Criminal Complaint.
- 5.2 Officers applying for a summons shall complete the following paperwork:
 - 5.2.1 Incident Report
 - 5.2.2 Affidavit of Probable Cause / Criminal Complaint
 - 5.2.3 PBP Supplemental Report
- 5.3 The Incident Report and the PBP Supplemental (if needed) shall be submitted to the officer's supervisor at their zone for review and approval.
- 5.4 The Affidavit of Probable Cause / Criminal Complaint shall be submitted to the District Attorney's office for approval.
- 5.5 Officers shall use the Allegheny Standardized Arrest Program (ASAP) in Quick Arrest to complete their Affidavit of Probable Cause / Criminal Complaint when the system is available. Officers shall use the Report Management System (RMS) to complete their reports when the system is available. The Quick Arrest and (RMS) icons can be found on PBP computers in the Zones, marked vehicles, and HQ.

- 5.6 Officers shall check ASAP at the beginning of their tour of duty to determine the status of their Summons application. The DA will return the Summons as either, Declined, Remanded, or Approved.
- 5.6.1 **Declined applications** - The officer shall confer with their supervisor and either;
- 5.6.1.1 **Rewrite** the Affidavit of Probable Cause / Criminal Complaint and resubmit after speaking with the DA as to what elements are missing
- 5.6.1.2 **Close the case** by completing a Supplementary Report stating why the DA's officer declined the warrant application.
- 5.6.2 **Remanded applications** - The officer shall make the necessary corrections to the Affidavit of Probable Cause / Criminal Complaint and resubmit it to the DA.
- 5.6.3 **Approved applications** – The officer shall print off a copy of the Affidavit of Probable Cause / Criminal Complaint, The Event/Incident Report, and PBP Supplemental Report (if needed).
- 5.7 The second Event/Incident Report, and PBP Supplemental Report (if needed) shall be submitted to the member's supervisor for approval.

6.0 APPLYING FOR A SUMMONS – defendant in custody

- 6.1 Rule 519(13)(1) mandates that the arresting officer must promptly release a defendant when the following criteria are met:
- 6.1.1 The most serious charge is a Misdemeanor of the second degree (M2) or a Misdemeanor of the first degree in cases involving DUI (M1).
- 6.1.2 The defendant poses no threat of immediate physical harm to any other person or to himself or herself
- 6.1.3 The arresting officer has reasonable grounds to believe that the **defendant will appear** as required.
- 6.2 The arresting officer MAY NOT release a defendant when the offense charged is:
- 6.2.1 a violation of Megan's Law
- 6.2.2 domestic violence
- 6.2.3 a violation of a Protection From Abuse (PFA) order
- 6.3 Officers applying for a Summons shall complete the following paperwork:
- 6.3.1 Incident Report in RMS
- 6.3.2 PBP Supplemental Report (if needed)
- 6.3.3 Affidavit of Probable Cause / Criminal Complaint
- 6.4 All Summons (defendant in custody) paperwork will be approved and signed off by the member's supervisor.
- 6.5 Officers shall use the Allegheny Standardized Arrest Program (ASAP) in Quick Arrest to complete their Affidavit of Probable Cause / Criminal Complaint when the system is available. Officers shall use the Report Management System (RMS) to complete their reports when the system is available. The Quick Arrest and (RMS) icons can be found on PBP computers in the Zones, marked vehicles, and HQ.
- 6.6 After all paperwork is approved by the member's supervisor; the arresting officer will take the Summons paperwork to Arraignment Court to be sworn to and signed by a judge. A signed copy of the Summons shall be scanned into the case file in RMS.

7.0 MONITORING WARRANTS

- 7.1 Police Officers will monitor and be held accountable for all outstanding warrants they have had issued, including Summons Undeliverable and Failure to Appear 543 warrants.

- 7.2 In any criminal case, in which a misdemeanor or felony is charged, Rule 600 and the Rules of Criminal Procedure require the case to be heard within 365 days of filing of the complaint. Failure to bring the defendant to trial within this time period may result in the dismissal of the case.
- 7.3 Rule 600 can only cease/be suspended during a time period where the police conduct a "*due and diligent*" search to locate the defendant. If such a search does not occur, then the clock continues to run and the case will be dismissed after 365 days. Therefore, it is essential that regular and periodic due and diligent searches are conducted. These searches shall be documented in a supplement by the police officer every other month. (Exception- actor located and incarcerated. One supplement documenting date, location and projected availability shall serve until release)
- 7.3.2 Supervisors will print off a Warrant List from their shift at the beginning of each month. Commanders are responsible for ensuring all of their personnel properly address the current warrants. (Withdraw of warrant, due diligence supplement report and serving the warrant). Commanders must ensure that a PBP Supplemental Report is completed every other month, showing that a continued search for the defendant has been conducted.
- 7.3.3 Officers must document the efforts that they made to ascertain the defendant's whereabouts up to and including the time of arrest on Supplemental Reports. (Note: When the defendant is finally arrested, the defense attorney may raise a Rule 600 objection and the officer will have to testify about the search that he/she conducted.)
- 7.3.3.1 In an instance the defendant is found to be deceased, the officer should document the defendant's death in a supplement report and notify the paralegal assigned to research death certificates at the District Attorney's office at 412-350-4624.
- 7.3.3.2 In an instance the defendant is located and said defendant is found to be incarcerated in a county jail, state prison in another state, the officer should properly document the defendant's location of incarceration and date of projected availability in a supplement report. The officer should notify the Extradition Unit of the District Attorney's office of the defendant's location and out-of-state incarceration at 412- 350-4416.
- 7.3.3.3 In an instance where a defendant is located, and said defendant is found to be incarcerated in a federal prison within Pennsylvania, the officer should properly document the defendant's location of incarceration and date of projected availability. The officer should notify the Extradition Unit of the District Attorney's office of the defendant's location and incarceration at 412- 350-4416.
- 7.3.4 A cursory check as to the defendant's whereabouts will not constitute a due and diligent search. It is important to exhaust all the conventional methods of locating the suspect such as looking for him at work, home, talking to relatives, neighbors, co-workers, friends, probation officers, etc.
- 7.3.5 A number of web-based applications can be of great assistance. The following web-based applications may assist you:
- 7.3.4.1 ASAP
- 7.3.4.2 JNET/Penn DOT
- 7.3.4.3 JNET/Department of Public Welfare
- 7.3.4.4 UJS Portal: <http://ujportal.pacourts.us>
- 7.3.4.5 White pages: <http://www.whitepages.com>
- 7.3.4.6 County Real Estate Website:
<http://www2.county.allegheny.pa.us/RealEstate/Default.aspx>
- 7.3.4.7 Zabasearch: <http://www.zabasearch.com>
- 7.3.4.8 Allegheny County Jail
- 7.3.4.9 State Inmate Locator: <http://inmatelocator.cor.state.pa.us/inmatelocatorweb>
- 7.3.4.10 Federal Inmate Locator: <http://bop.gov/iloc2/LocateInmate.jsp>
- 7.3.4.11 Facebook (or any other social networking website)
- 7.3.4.12 Social Security Death index: <http://ssdi.rootweb.ancestry.com>
- 7.3.6 In addition to documenting instances where the officer has searched for the defendant within that month, the following information should be included in each Supplemental Report: (PLEAC Standards 2.7.1 and 2.7.2)

- 7.3.5.1 Date the warrant was issued/received;
- 7.3.5.2 Type of Legal process (Criminal or Civil);
- 7.3.5.3 Nature of the document (PFA, Warrant, or Other);
- 7.3.5.4 Source of the document (City of Pittsburgh Municipal Court, Allegheny County Criminal Court);
- 7.3.5.5 Name of the plaintiff/complainant and/or name of the defendant/respondent;
- 7.3.5.6 Officer(s) assigned for service (Constable or officer conducting the search);
- 7.3.5.7 Date of assignment;
- 7.3.5.8 Court docket number, warrant number, or other identifying number (Use OTN #);
- 7.3.5.9 Date service is due or date of service;
- 7.3.5.10 Original Report number;
- 7.3.5.11 Date and time service was executed/attempted;
- 7.3.5.12 Name(s) of officers executing/attempting service;
- 7.3.5.13 Name of person on whom the legal process (warrant) was served/executed;
- 7.3.5.14 Method of service/reason for non-service;
- 7.3.5.15 Address of the service attempt

- 7.4 Officers are reminded that the PBP Supplemental Report is an official document that will be sworn to in front of a magistrate/judge to verify the officer's continued search for the defendant. Falsifying the contents of this Report may bring criminal or civil penalties on the officer making the false statements as well as disciplinary action by this department. See 18 PA CS §4903.
- 7.5 Support services will monitor the warrants, and regularly update the Officer of Professional Standards.
- 7.6 The Office of Professional Standards will be responsible for addressing failures to the chain of command within any work unit failing to comply.

Approved By:



Chief McLay
Chief of Police