

MISSOULA POLICE DEPARTMENT POLICY MANUAL



<i>Subject:</i> OBTAINING ARREST WARRANTS		
<i>Effective Date:</i> 6/8/2017	<i>Original Date:</i> 12/01/2008	<i>Next Review:</i> 6/8/2018
<i>Chapter</i> 5	<i>Policy #</i> 5.70	<i>Distribution:</i>
<i>References:</i> 46-6-214 (Form and content of arrest warrant)		

I. Purpose

The purpose of this policy is to provide law enforcement officers of this agency with the guidelines for obtaining an arrest warrant.

II. Policy

It is the policy of this department that when probable cause exists, and the whereabouts of a person is unknown, an arrest warrant is requested. In the majority of cases the City or County Attorney's Office will be involved in requesting an arrest warrant from a Judge. Officers shall weigh the need to issue a warrant if other means are available, such as mailing the citation. Issues such as a violent crime, danger to the public or the potential of the suspect leaving the area shall also be included in the decision to request a warrant. Officers should exhaust all other means of contacting the person(s) prior to requesting a warrant, unless the above exigent circumstances exist.

III. Definitions

Probable Cause- At the time of arrest, if the facts and circumstances within the officer's personal knowledge or upon information imparted to him by a reliable source, are sufficient to warrant a reasonable person to believe that the suspect has committed an offense.

IV. Procedures

Misdemeanor

When probable cause exists for a misdemeanor offense, the officer shall complete a Notice to Appear and Affidavit of Probable Cause.

The Notice to Appear shall contain the violation, person's name, and date-of-birth and known physical descriptors. A Notice to Appear and Affidavit of Probable Cause must be completed for each charge that a warrant is requested.

The officer shall attach the Affidavit of Probable Cause to the Notice to Appear and place a note requesting a warrant on the white copy of the ticket. The City Attorney's Office will then review the ticket and affidavit and request a warrant.

If there is urgency for the warrant, the officer can go directly to the City Attorney's Office and request an attorney review the case to expedite the process. A Notice to Appear and Affidavit of Probable Cause still must be completed. In the event a City Attorney is not available, the officer can go directly to the court.

Arrest warrants for misdemeanor offenses occurring in the city limits, not associated with other felony offenses, shall be signed by a Municipal Court Judge.

Felony

When probable cause exists for a felony offense, the detective shall complete a Case Referral form and forward the case to the County Attorney's Office. The detective can request a warrant using the Case Referral form.

If a patrol officer completes a felony investigation, the officer shall contact the Detective Division for assistance in forwarding the case to the County Attorney's Office.

If circumstances exist where a warrant is needed in a timely manner, the detective shall complete the Case Referral form and personally contact a County Attorney. The detective shall explain the circumstances and request the process is expedited.

Arrest warrants for felony offenses occurring in the city limits shall be signed by a District Court Judge.

It is preferred that probable cause arrests for felony offenses be made only when the seriousness of the crime warrants such action, victim safety is jeopardized or consultation with the County attorney's office has taken place.