



# RICHMOND POLICE DEPARTMENT GENERAL ORDER



Subject: <b>EXECUTING ARREST WARRANTS AND SUBPOENAING WITNESSES</b>	Chapter 7	Number 5	# Pages 5
References <b>CALEA Standards:</b> 1.2.5, 74.1.1a-i., 74.1.2, 74.3.1 and 74.3.2  <b>VA Code:</b> 19.2-76, 19.2-81, 19.2-267.1 and 46.2-939	Related Orders: G.O. 06-18	Effective Date: 05/04/24 Revised By: PD-132 Prv. Rev. Date: 06/10/22	
Chief of Police:  <div style="text-align: center;"></div>			

**I. PURPOSE**

The purpose of this directive is to establish the guidelines for executing arrest warrants and subpoenaing witnesses in General District and Circuit Court cases.

**II. SUMMARY OF CHANGE**

*This policy is being updated to change the records management system name. All changes are bold and italicized throughout the document.*

**III. POLICY**

Officers may execute arrest warrants and cause witnesses to be subpoenaed to court as allowed by law. Only sworn police officers shall execute arrest warrants. [CALEA 1.2.5, 74.3.2]

**IV. ACCOUNTABILITY STATEMENT**

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

This directive is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in any evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

## V. PROCEDURE

### A. Execution of Arrest Warrants:

[CALEA 1.2.5, 74.3.1b, 74.1.2 74.3.2]

An arrest warrant commands a police officer to locate and arrest the person named in the warrant. The following procedure shall be employed when executing arrest warrants.

#### 1. Execution of Warrants in the Field:

##### a) Officers executing an arrest warrant in the field shall:

1) Place a check in the appropriate box on the warrant indicating the type of service i.e., executed by arresting the accused named above on this day OR executed by summoning the accused named above on this day OR for legal entities other than individuals, service pursuant to VA Code §19.2-76; [CALEA 74.1.1b, 74.1.1c, 74.1.1e, 74.1.2c]

2) Indicate the nature of the document; [CALEA 74.1.1c]

3) Indicate the service date and time in the spaces provided on the warrant; [CALEA 74.1.1a, 74.1.2a]

4) Sign the warrant and put their code number, agency (RPD) and jurisdiction (120) next to their signature; [CALEA 74.1.1f, 74.1.2b]

5) Indicate the sheriff's name in the appropriate location above their title; and,

6) Write in the court docket date on a releasable warrant and indicate the date of issuance/assignment. The date service is due, is tracked in the *records management* database as the expiration date. [CALEA 74.1.1h, 74.1.1g, 74.1.1i]

b) For warrants where the executing officer is the complainant, a "Request for Witness Subpoena" form (PD-7) shall be utilized to subpoena witnesses.

c) For warrants where the executing officer releases the arrestee on a summons, the court name shall be indicated as follows: [CALEA 74.1.1d]

1) General District Court (John Marshall Division)

2) General District Court (Marsh Division at Manchester)

3) JUV-CT (Juvenile and Domestic Relations Court)

d) The executing officer will provide a copy of the arrest warrant to the arrestee as well as a copy of the Virginia Uniform Summons, if applicable.



required, pursuant to VA Code §19.2-81. The summons shall command the person to appear and testify at the trial of any criminal charge brought against any person as the result of the offense (Applies only to arrest without a warrant.).

- a. Department members may use the Virginia Uniform Summons to subpoena witnesses. Officers shall write the word "WITNESS" in the space marked "Describe Charge" along with the suspect/defendant's name and offense.
- b. The officer may request the trial court to issue a subpoena pursuant to the PD-7 form.
- c. The witness shall be asked to sign the summons. If the witness refuses, the officer shall note this fact in the space provided for the witness' signature. The summons shall still be executed.
- d. Whenever a suspect/defendant is released on a summons for court and the officer issues a subpoena using the Virginia Uniform Summons for a victim/witness, the officer shall:
  - 1) On the witness' summons, write the word "Witness" in the space marked "Describe Charge", along with the suspect/defendant's name and offense.
  - 2) Attach the victim/witness summons along with the suspect/defendant's Virginia Uniform Summons and CCRE, and forward all of the related court papers to the court of venue.

3. General District Misdemeanor Traffic Cases:

- a. VA Code §46.2-939 gives police officers the right to subpoena witnesses at the scene of motor vehicle accidents to appear in court and testify with respect to any criminal charge brought against any person, as a result of the accident. A subpoena so issued shall have the same force and effect as if it was issued by the court.
- b. Any person failing to appear in response to a subpoena *so* issued as provided in this section, shall be punished as provided by law.
- c. Officers shall use the Virginia Uniform Summons to subpoena witnesses. In the space marked "Describe Charge", the officer shall write the word "Witness" along with the name of suspect/defendant and the offense.
- d. The witness shall be asked to sign the summons. If the witness refuses, the officer shall note this fact in the space provided for the witness' signature. The summons shall still be executed.

4. Circuit Court Cases:

All requests for summoning witnesses to the Circuit Court shall be made directly to the Commonwealth's Attorney's Office. Officers shall compile a "Court Conflict Dates" form, (PD-67) to establish conflict dates, i.e. days off, vacation, etc. and forward it to the Commonwealth's Attorney's office immediately after the case is certified in General District Court.

C. Executing Court Witness Subpoenas:

1. A court witness subpoena commands a police officer to locate and serve the subpoena on the individual named for appearance in a designated court on the date and time specified.
2. Court witness subpoenas that are served by Department members will be given personal service only.
3. To authenticate a court witness subpoena for service, the officers shall insert the date, month, year of service, sign their name and write their code number in the spaces provided.
4. The individual, upon whom a court witness subpoena is served, shall be given their copy of the subpoena.
5. The top copy of the subpoena shall be returned to the court of venue by the assigned Warrant Unit personnel.

- D. All releasable warrants and criminal summonses are to be returned to the Warrant Unit or at the precinct. A CCRE is to be completed by the Arresting Officer and attached to the Warrant or Criminal Summons. [CALEA 74.3.2]

VI. FORMS

- A. PD-7, Request for Witness Subpoena
- B. PD-67, Court Conflict Dates and Witness List