

DIRECTIVE 74.3 CRIMINAL PROCESS

Issue Date: 04/08/2025	By Order of Chief of Police
Rescinds: (Issue 10/25/2023) Pages: 5	CALEA Standards Referenced: 74.3.1 & 74.3.2
	Review: March 2026

This directive consists of the following sections:

[74.3.1 Procedure, Criminal Process](#)

[74.3.2 Arrest Warrants Require Sworn Service](#)

[Addendum A: Search Warrant Process](#)

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 Clermont County Department of Public Safety (Clermont County Communications Center), Clermont County Sheriff or Union Township Communications Center. 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. 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.

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.

Warrantless Arrest

Officers will follow the most current directive set by Clermont County Municipal Court that outlines procedures for filing complaints and affidavits.

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.

No Knock Warrants

In the event of a no-knock warrant, the on-duty supervisor shall determine it necessary to summon assistance from Clermont County Sheriff's Office Special Response Team (SRT). Therefore, a request shall be made for SRT through Clermont County Communications Center.

[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 (see addendum A).

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

Search Warrants General

Ohio Revised Code – 2933.21

Issuance of Search Warrant

Ohio Revised Code – 2933.22

Probable Cause for Search Warrants

Ohio Revised Code – 2933.23	Search Warrant Affidavit
Ohio Revised Code – 2933.231	Waiver of Statutory Precondition for Non-Consensual Entry
Ohio Revised Code – 2933.24	Contents of Search Warrant; Report of Physical Conditions
Ohio Revised Code – 2933.241	Return and Inventory of Property
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	Keeping of Seized Property Until Trial
Ohio Revised Code – 2933.29	Gambling or Gaming Property Seized Liable For Fines
Ohio Revised Code – 2933.30	Search for Human Dead Bodies
Ohio Revised Code – 2933.31	Search in Case of Animal Law Violations

Body Cavity or Strip Searches Warrants

Ohio Revised Code – 2933.32	Body Cavity Search, Strip Search – Conducting Unauthorized Search – Failure to Prepare Proper Search Report
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Interception of Communications Warrants

Ohio Revised Code – 2933.51	Wiretapping, Electronic Surveillance Definitions
Ohio Revised Code – 2933.52	Interception of Wire, Oral or Electronic Communications
Ohio Revised Code – 2933.522	Interception Warrants
Ohio Revised Code – 2933.53	Application for Interception Warrant; Contents
Ohio Revised Code – 2933.54	Findings for Issuing Interception Warrant
Ohio Revised Code – 2933.55	Application for Extension of Interception Warrant
Ohio Revised Code – 2933.56	Contents – Sealing Application – Disclosure - Retention
Ohio Revised Code – 2933.57	Oral Order for Interception without Warrant of Wire, Oral, or Electronic Communication
Ohio Revised Code – 2933.58	Prosecutor's Instructions to Investigative Officers
Ohio Revised Code – 2933.581	Information, Facilities or Technical Assistance to Officer Intercepting Communications
Ohio Revised Code – 2933.59	Execution Interception Warrant or Oral Order
Ohio Revised Code – 2933.591	Giving Warning of Possible Surveillance
Ohio Revised Code – 2933.60	Reports of Interception Warrants by Judges and Prosecutors
Ohio Revised Code – 2933.61	Serving Inventory of Interception Warrant
Ohio Revised Code – 2933.62	Receiving Evidence From Intercepted Wire, Oral, or Electronic Communication
Ohio Revised Code – 2933.63	Motion to Suppress Evidence From Intercepted Wire, Oral, or Electronic Communication
Ohio Revised Code – 2933.66	Conform Proceedings or Issuance of Order to Federal and State Constitutions

Pen Registers; Trap and Trace Devices

Ohio Revised Code – 2933.76	Application for Pen Register or Trap and Trace Device to Obtain Information in Connection With Criminal Investigation
Ohio Revised Code – 2933.77	Information, Facilities or Technical Assistance to Officer as to Installation and Use of a Pen Register or a Trap and Trace Device

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.




Addendum A: Search Warrant Process

Search Warrant Process with FaceTime iPhone

Officer tasks Duty Judge tasks

1. The officer will scan and e-mail the search warrant (must be a PDF) to the duty judge at munisearchwarrant@clermontcountyoohio.gov.
2. The officer will call the duty judge on search warrant phone – (513) 732-7872 - advise the judge that they have emailed a search warrant and give their number for the judge to contact via FaceTime.
3. The duty judge will touch the Microsoft mail app. 
 1. The duty judge will click on the most recently received mail in the mailbox to open it.
 2. The duty judge will click on the “pdf” box and review the search warrant.
4. The duty judge will initiate the FaceTime call to swear in the search warrant officer.

FaceTime

1. First, click on Calls 
2. Click on  beside the officer's number
3. Click Video  pick >FaceTime
5. The duty judge will swear in the search warrant officer.
6. To sign off on the search warrant, the duty judge will touch the pen tip icon in the upper right corner. Touch the screen - sign and date where indicated on the search warrant. To maneuver to different pages – touch the pages shown on the right.
7. Click “Done” in upper left corner
8. Click “Reply All”
9. Click “Send” in upper right corner (This sends the signed search warrant back to the officer.)
10. When the officer files the return with the Clerk - he/she will stamp “original” (stamp located on the table next to the copier) on the search warrant to indicate the original copy being filed with the Clerk.