




## ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

<i>Chapter: 5</i> Procedures	<i>Effective Date:</i> October 6, 2017	<i>Amends/Supersedes:</i> May 1, 2014 March 1, 2005	<b>By Authority of the Chief of Police</b>   Charles A. Penn
<i>Accreditation Standard(s):</i> ADM.02.02, ADM.25.20, OPR.12.04			

### 536.03 Warrant/Summons Service

#### I. Policy

The routine service of outstanding warrants should be accomplished with minimal disruption to the community at large.

#### II. Procedures

##### A. Warrant Processing

##### 1. Tracking Warrants

- a. After obtaining a warrant, the case number must be placed on it. The warrant must be entered into NCIC/VCIN within one hour, unless exigent circumstances can be shown. The warrant must then be logged in at the warrant book at the Customer Service Counter, in a timely manner. The warrant must be logged in even if it is to be taken out for immediate service or advise the warrant unit during working hours.
- b. Return unserved warrants to the Customer Service Counter in a timely manner. Under no circumstances should warrants be put into envelopes, Interdepartmental mail, or attached to reports.
- c. The Warrants Button in Mobile is essential to the proper handling of a warrant. All information developed in the course of attempting service should be noted in the "Service Attempts" under the Warrants Button, including sufficient details and address.

##### 2. Warrant File

- a. Warrants are physically maintained in the Warrant File Cabinet in the Criminal Investigations Division. When a warrant must be retrieved for service or must be confirmed to another agency through the Emergency Communications Center (ECC), a member of CID shall be contacted. During hours when no personnel are available in CID, ECC personnel or a patrol officer shall perform the required task. Due to NCIC time limits, this assignment shall be considered urgent.
- b. A patrol officer dispatched to confirm a warrant shall access the Warrant File and immediately notify the ECC of the findings.
- c. Patrol officers shall not physically remove warrants from the file unless needed for immediate presentment to a magistrate. If the warrant is removed for such purposes, an entry shall be made on the warrant

folder and the folder placed in the clear side pocket tray attached to the side of the Warrant Cabinet. An executed copy of the warrant (if available) shall also be placed in the clear side pocket tray or at the Customer Service Counter; (for example released on summons).

- d. If a new warrant is obtained during midnights/weekends, the obtaining officer shall leave it in the "New Warrants" tray and make an entry at the Customer Service Counter in the New Warrants logbook. If that warrant is later removed from the tray during the same night or weekend, a notation to that effect shall be written in the New Warrants Logbook. If served, an executed copy of the warrant (if available) shall also be placed in the clear side pocket tray of the warrants cabinet or at the Customer Service Counter; (for example released on summons).
- e. All warrants stored in the Warrant File Cabinet are placed in individual folders. These folders are for ease of handling and take the place of the warrant sign out log. When removing a warrant from the file, it should be signed for on the outside of the warrant folder. The folder is placed in the clear tray, which can be found attached to the side of the warrant file cabinet. If the warrant is served, the appropriate box should be checked. Returned warrants should be put back in the file in the appropriate folder. Unserved Warrants should not be left in the file on the side of the warrant file cabinet.
- f. After warrant service, the arresting officer must remove the subject from NCIC/VCIN. The victim should be contacted to advise them of service or leave a message for the assigned detective so that the victim can be contacted during the following business day.
- g. At no time should new warrants be placed into the file cabinet. That is to be done by Warrant Unit personnel only.

### 3. Warrant Withdrawal

- a. Warrants can only be withdrawn with permission from the Commonwealth's Attorney's Office.
- b. Stamp all copies of the warrant with the "Warrant Withdrawn" stamp, which is located in the warrant section cubicle. Have the warrant copies signed in the area indicated on the stamp by an Assistant Commonwealth Attorney; usually the deputy commonwealth attorney. They will keep the original warrants.
- c. Make a copy of the signed warrant and place it into the incoming basket on top of the Warrant File Cabinet.
- d. **REMOVE THE SUBJECT FROM NCIC/VCIN.**

## B. Warrant Service

1. Warrant Service Considerations - Officers who have arrest warrants in their possession should consider the urgency of such warrants in determining the priority placed on their service. Factors to be considered include, but

are not limited to the:

- Timeliness of the warrant.
  - Nature of the offense.
  - Seriousness of the offense.
  - Mental state of the accused.
  - Prior offenses of the accused.
  - Likelihood of the individual committing further offenses.
  - Probability that the accused may attempt to avoid service of process.
  - Probability of the individual fleeing the jurisdiction.
  - Development of new information on the whereabouts of the accused.
  - Danger to others if the accused is not immediately apprehended.
  - Danger to officers if an apprehension is to be made in a particular neighborhood or locality.
2. Fugitive Warrants - The handling of a fugitive arrest is a shared responsibility between the patrol officer, the Warrant Unit, and the Office of the Sheriff. All unserved warrants and summonses will be forwarded to the Warrant Unit per section II.A. of this procedure.
- a. In accordance with §19.2-73.1, officers may contact an accused individual in reference to an outstanding warrant or summons in Misdemeanor and Class 5 or Class 6 felony cases and request the individual to respond to a designated location for service of the papers. Notification may be made by in accordance with the *Criminal Investigations Section SOP*.
  - b. If the accused does not voluntarily appear pursuant to the notification, there are no additional penalties, and the papers will then be processed in compliance with §19.2-76 and current departmental procedure. The Warrant Unit will maintain records of notification attempts and any disposition resulting from such notification.
  - c. In accordance with §19.2-76, officers may request law enforcement from another jurisdiction within the Commonwealth to serve the warrant and return the arrestee directly to the officer, the Arlington County Magistrate's Office, or the magistrate in their jurisdiction. The officer will decide if notification is to be made prior to forwarding the warrant or summons to the relevant jurisdiction for execution.
  - d. If an officer arrests a subject on local charges and becomes aware that the subject is also a fugitive from another jurisdiction within the Commonwealth, a fugitive warrant shall not be obtained. The officer shall advise the magistrate and the booking deputy in the Detention Center. The Office of the Sheriff is responsible for handling any matters regarding the subject's fugitive status including placing a detainer against the subject in favor of the demanding jurisdiction. The officer shall include the arrestee's fugitive status in their police case report.

- e. Fugitive Arrests with No Local Charges - An officer who detains a subject believed to be a fugitive must confirm wanted status and if the originating agency is willing to extradite.
  - (1) If the originating agency will not extradite, the officer will not make an arrest, but will obtain information from the subject, advise the subject of his wanted status, and forward the information to the demanding jurisdiction via teletype. A Field Investigation report should be completed.
  - (2) If the originating agency is willing to extradite, the officer shall make an arrest and request a copy of the teletype from the Emergency Communications Center (ECC).
    - (a) The officer shall request ECC to fax the teletype to the Detention Center or respond to the ECC to obtain a copy. The officer should complete a Booking Information Sheet and a Criminal Complaint form. These completed forms and the teletype shall be presented to the magistrate at the bond hearing.
    - (b) The officer shall present the arrestee to the magistrate for a bond hearing and request a fugitive warrant. The magistrate has the authority to release the arrestee on bond or commit the arrestee to jail. The original teletype must be attached to the warrant. The officer must complete a police case report titled "Fugitive from Justice" and attach a copy of the teletype to the report.
    - (c) The Office of the Sheriff has the responsibility for court appearances, securing a waiver of extradition from the General District Court and advising the demanding jurisdiction of any future court dates and/or the need to obtain governor's papers. The warrant unit is responsible for follow-up with the Office of the Sheriff as to their notifications.

### 3. Bench Warrants/ Indictments

- a. Preparation and Request - The primary responsibility for the processing and handling of bench warrants arising from cases presented to the Grand Jury rests with the warrant unit. Upon completion of the case presentation to the Grand Jury, if a bench warrant is required immediately, the officer/detective must contact the Assistant Commonwealth's Attorney handling the Grand Jury rather than the Clerk of the Circuit Court. Direct indictments will automatically result in the issuance of a bench warrant.
- b. The Warrant Unit is responsible for picking up a bench warrant, logging it in and preparation of the necessary forms. Only Warrant Unit detectives are authorized to sign for and collect bench warrants from the Clerk's Office. Any exceptions to this procedure must be authorized by the Chief of Police or his designee.

- c. Processing and Service - Bench warrants arising from direct indictments will then be processed through the warrant unit and may be signed out to the officer/detective who is assigned to or handling the case. The warrant unit will forward a request to the assigned officer/detective for further identifiers of the wanted person, entry into NCIC/VCIN as appropriate, and routing and handling of the warrant.
  - d. Once a request is received by the Warrant Unit, the warrant will be acted on accordingly. It shall be the responsibility of the officer/detective who serves the bench warrant to remove the wanted subject from NCIC/VCIN and inform the Warrant Unit that the warrant has been served. "Service Attempts" under the Warrants Button in Mobile must be completed and the warrant unit will be responsible for canceling all paperwork within the department that indicated the individual was wanted.
  - e. Arrest - When the warrant is served, the arresting officer is required to book the prisoner. A copy of the bench warrant is given to the prisoner; however, **UNDER NO CIRCUMSTANCES ARE ANY INDICTMENTS TO BE GIVEN TO THE DEFENDANT.** The bond has been pre-set by the Circuit Court judge, however a commitment order will be needed from the Magistrate.
- C. Warrant Threat Assessment – An investigative tool designed to assess the safety level of preplanned warrants and mitigate risk by determining the best course of action. A threat assessment matrix is required for any potential warrant service where, based on the information and knowledge at hand, an elevated level of risk may reasonably be inferred or when the supervisor or investigator is seeking the assistance of the Emergency Response Team (ERT).
- 1. Threat Assessment Tool – should be completed by investigators for all preplanned warrant services for violent felonies and elevated misdemeanors. Based on the assessed threat, the level of requested ERT response should be noted on the form. The ERT supervisor will consult with the investigator and/or requesting unit supervisor and make the final decision on the appropriate level of response, based on the information provided.
  - 2. Operations Pre-Plan – should be completed by investigators anytime the Threat Assessment Tool shows an elevated threat level, assistance is requested from the ERT or when determined necessary by the Unit supervisor or investigator.
  - 3. The Threat Assessment Tool and Operations Pre-Plan will be reviewed and approved by the Unit supervisor prior to the briefing of involved personnel.