

## FREDERICK POLICE DEPARTMENT GENERAL ORDER

<b>Section 7:</b> Force, Detention, and Arrest	<b>Order Number:</b> 771
<b>Topic:</b> SERVICE OF COURT CHARGING DOCUMENTS	<b>Issued by:</b> Chief of Police
<b>Approved:</b> 12/02/2020	
<b>Review:</b> Annually in October by Commander of the Technology and Services Division	
<b>Supersedes:</b> G.O. 771 dated 10/1/16	

### **.01 PURPOSE:**

To establish procedures regarding the control and service of Court-issued charging documents from the time they are received from the District Court or another police agency, until the documents are served upon the defendant; filed in a central repository after reasonable effort has been made to apprehend the defendant; or recalled by or otherwise returned to the issuing court or police agency.

### **.02 CROSS-REF:**

[G.O. 218, "Arrests for Motor Vehicle Offenses"](#)  
[SOP-CS-009-Maintaining a Warrant/Wanted Persons File](#)  
[SOP-CS-012-Processing Court Charging Documents](#)  
Form SOD-006 OAW Compliance form  
MVA OAW Program Operations Manual

### **.03 DISCUSSION:**

The service of charging documents is a basic responsibility of law enforcement, not only for the public good, but also as an element of the overall cooperative effort of the criminal justice system. Administrative handling of charging documents, including logging, METERS/NCIC entries, proper filing for security and availability, and clearances upon disposal are essential.

### **.04 POLICY:**

It is the policy of the Frederick Police Department to document the existence of, distribute for service, and maintain security of all charging documents received from the Courts or from other police agencies for service. Responsibility for service of these documents also includes investigation into the whereabouts of the wanted individual so that he may be apprehended and brought to justice in a timely manner.

### **.05 DEFINITIONS:**

**ARREST WARRANT:** charging document issued by the District Court commissioner or judge, directing the arrest (taking into custody) of a person on criminal or traffic violations.

**BENCH WARRANT:** charging document issued by a District Court judge "from the bench" for a contempt violation, i.e., failure to appear, violation of probation, failure to pay fine and costs, failure to report for weekend incarceration, failure to report for court-ordered fingerprinting, etc.; this type of document often has preset bond, determined by a judge, indicated on the face of document.

**BODY ATTACHMENT FOR MATERIAL WITNESS:** charging document similar to a bench warrant but issued for a witness, commanding that the person named thereon be apprehended and brought before the appropriate Court for the purpose of posting bond to secure appearance to testify in a pending case.

**CHARGING DOCUMENT:** arrest warrant, bench warrant, criminal summons; a court document which places a criminal, traffic, or contempt charge against an individual.

**CONTROL NUMBER:** unique number assigned to each charging document via the Department's Records Management System for accountability purposes.

**CRIMINAL SUMMONS:** charging document issued by the District Court for which the defendant signs to acknowledge receipt of a copy as a promise to appear for trial and is released pending the trial date. The trial date is often indicated on the criminal summons.

**CRIMINAL INFORMATION SUMMONS:** charging document issued by the Circuit Court after a defendant is charged on the District Court level and the charges are taken to a Grand Jury. The summons will give the arraignment date and time for the defendant.

**FINAL PROTECTIVE ORDER:** An order of the Court issued to protect a victim of domestic violence for a specified period of time.

**FUGITIVE WARRANT:** Issued by a Judge or Commissioner that commands the apprehension of fugitives. A "fugitive" is a person wanted by another Maryland jurisdiction and a "fugitive from justice" is a person wanted by a jurisdiction *outside of* Maryland.

**INDICTMENT:** issued by the Circuit Court directing the arrest (taking into custody) of a person as the result of a Grand Jury Hearing. Persons served with an indictment are NOT taken to a District Court Commissioner, they must go before a Judge in the Circuit Court. See Section .15(8).

**INTERIM PROTECTIVE ORDER:** An order of the Court issued by a District Court Commissioner at the request of a victim of domestic violence that remains in effect until a Temporary Protective Order hearing may be held before a judge.

**CASE NUMBER:** incident receipt number; the Department's case investigation number.

**METERS:** Maryland Electronic Telecommunications Resource System; a state computer system and database that interfaces with the National Criminal Information Center (NCIC).

**NCIC:** National Crime Information Center; a national computer system and database maintained by the Federal Bureau of Investigation.

**NOTIFICATION OF SERVICE FORM:** orange form attached to each document or packet, indicating issue date, type of document, person for whom the document is issued, charges, Incident Receipt and departmental document control numbers; this card is used for departmental administrative purposes.

**PETITIONER:** A person who applies for an Interim, Temporary or Final Protective Order.

**RESPONDENT:** A person for whom an Interim, Temporary or Final Protective Order is issued due to domestic violence.

**RETAKE WARRANT:** Document issued by the Warden or Superintendent of a correctional institution or the Maryland Parole Commission. This document authorizes and requires law enforcement officers to apprehend and return inmates under the jurisdiction of the Division of Correction to their custody.

**ROLODEX FILE:** filled with 3"x5" Rolodex cards, maintained by Warrant Specialist, listing in alphabetical order, defendants on whom court paperwork is outstanding with this Department and the documents outstanding for each defendant. This file is being phased out as of September 2008 and is being replaced by the Warrant Book.

**SHOW CAUSE ORDER:** non-arrestable document issued by the Court requiring the appearance of the individual named thereon for the purpose of explaining some action or situation, which may have violated a prior court order.

STATEMENT OF COMPLIANCE WARRANT RELEASE FORM: in reference to the Motor Vehicle Administration (MVA) Outstanding Arrest Warrant (OAW) Program, a form issued by an officer to an obligor after the officer has served the arrest warrant on the obligor.

SUBPOENA or SUMMONS: document issued by the Court, directing that the person named thereon appear in court on the specified date at the specified time for the purpose specified thereon.

TEMPORARY PROTECTIVE ORDER: An order from the court issued to provide temporary relief to a victim of domestic violence until a hearing is conducted before a judge to determine if a Final Protective Order will be issued.

WARRANT BOOK: A binder, maintained by the Warrant Specialist, which contains the warrant worksheets from I-Leads in alphabetical order the defendants on whom court paperwork is outstanding with this Department and the documents outstanding for each defendant. Created in September 2008 to eventually replace the Rolodex File in its entirety.

**.10 GENERAL:**

1. All charging documents are forwarded to the Communications Section for processing. Upon receipt of a court document, it will be processed in accordance with [SOP-CS-012, "Processing Court Charging Documents."](#)
2. An arrest with a warrant may be made at any time. If the warrant is for very minor charges, the supervisor has the authority to dictate that service will take place during reasonable hours, i.e., between the hours of 0700 and 2300 hours. A supervisor also has the authority to refrain from serving an arrest warrant on a defendant who is hospitalized, so long as the supervisor coordinates apprehension of the defendant upon his release with hospital authorities.
3. Officers WILL NOT WAIT to serve a warrant if any of the following criteria exist:
  - A. The defendant is considered an escape risk and/or is likely to avoid service at a later time;
  - B. The defendant is wanted on other charges;
  - C. The defendant is in imminent danger of causing harm to himself and/or others;
  - D. The defendant is a suspect in other case(s);
  - E. The defendant, unless immediately apprehended, may tamper with, dispose of, or destroy evidence; or,
  - F. The defendant, unless immediately apprehended, may cause injury to the person or damage to the property of one or more other persons.
4. If a computer check reveals a person to be "wanted," the officer requesting the computer check will request Communications to contact the agency that wants the person to ensure that the "hit" is valid and to ensure that the warrant is on file before an arrest is made on the strength of that warrant.
5. If the person is wanted by an agency outside of Maryland, the officer will request Communications to send a "Hit Confirmation" and extradition request BEFORE the arrest is made. If the wanted person is not being arrested solely on the warrant, but for another reason, the computer "hit" can be taken care of by a Dispatcher while the officer is at Central

Booking.

6. Prior to the execution of a warrant when feasible, officers should develop a plan of action to ensure the safety of the officers, the safety of innocent bystanders, and the safety of the person to be taken into custody. Officers will use only the force necessary to take the person into custody and to accomplish lawful objectives.
7. Unless the arrested person requires medical attention or is needed for questioning or other processing, he will be transported to Central Booking and processed the same as any other arrested person.

#### **.15 OFFICER RESPONSIBILITY**

1. Pursuant to the provisions of Maryland Rule 4-212, arrest and bench warrants, criminal summonses, and subpoenas will be served by sworn law enforcement officers only. Subpoenas and criminal summonses are valid until the court date shown on the face of the document or until recalled by the Court. Warrants are valid indefinitely until either served or recalled by the Court. No person, other than the issuing Judge or District Court Commissioner, has the right to alter a warrant.
2. Officers may only serve charging documents within the Frederick corporate limits, unless express permission has been obtained from a supervisor. If an officer desires to serve a warrant outside Frederick County but within Maryland, that officer will always request to be accompanied by an officer having police authority over the jurisdiction where the attempted service will occur.
3. Officers who have been assigned to serve a court document will make every effort to execute the document during their tour of duty. Court documents will be handled by the officers to whom the supervisor has issued the document for service until such time as it has either been served or it has been determined that the defendant cannot be located.
4. Officers' efforts in locating defendants will be documented on the "warrant worksheet" attached to court documents. . These worksheets will serve as a guide in attempting to locate defendants, as well as a record of efforts expended by officers in attempting to locate defendants. At a minimum information will include:
  - A. Date and time service was executed/attempted;
  - B. Name of officer(s) executing/attempting service;
  - C. Name of the person on whom legal process was served/executed;
  - D. Method of service/reason for non-service; and,
  - E. Address of service/attempt.
5. Court documents will be in the possession of officers **only** when they are actively engaged in locating defendants. At all other times, court documents will be filed in the workroom. **Documents removed from any file for any reason will be signed out and, if not served, signed back in.**
6. When a defendant is apprehended on a District Court arrest warrant, he will be transported to the Frederick County Central Booking Facility, where service of the warrant will be executed and custody of the defendant will be remanded to the Corrections Bureau of the Frederick County Sheriff's Office. A supplement will be completed that will include the date, time and location of service of the document.

7. The arresting officer or his supervisor will notify immediately the Communications Section to have the METERS or METERS/NCIC entry cleared.
8. **Defendants charged on Circuit Court charging documents are NOT processed through Central Booking.** When a defendant is apprehended pursuant to a Circuit Court charging document, he will be transported to Police Headquarters where service of the warrant will be executed, and processing of the defendant (fingerprinting and a mugshot via LiveScan) will be completed. If the Circuit Court is in session, the officer will arrange for the defendant to be surrendered to the custody of the Court Security Section of the Frederick County Sheriff's Office so that the defendant may have an initial appearance in Circuit Court. If the Circuit Court is not in session, the defendant will be transported to the Frederick County Adult Detention Center.
9. An officer making an arrest under authority of a "Retake Warrant" will surrender the defendant directly to authorities of the Division of Correction. Transports to DOC facilities are generally handled by Maryland State Police.
10. When arresting a "fugitive," from another State, the officer will determine that the defendant is not "wanted" in this State. Only after determining that no "want" for the defendant exists, the arresting officer will obtain a "Charge Against Fugitive" warrant from the District Court. Attached to the "Charge Against Fugitive" warrant will be a copy of the METERS/NCIC "hit," as well as copies of the charging documents and statement of probable cause from the originating jurisdiction.
11. The officer who is the affiant of a court charging document initially will be responsible for service pursuant to his responsibility to conduct a complete and thorough investigation. This does not prohibit service by another officer. After the investigating officer has exhausted his efforts in serving said document, it will be filed in conformance with [SOP-CS-012, "Processing Court Charging Documents."](#)

#### **.20 PROTECTIVE ORDERS:**

The Frederick County Sheriff's Office (FCSO) is generally responsible for all civil process. Pursuant to an agreement between the Department and the FCSO, Departmental personnel will serve temporary or interim protective orders obtained for residents of the City. The documentation will be transmitted to the Department via facsimile. Upon receipt, a case report number for a "Court Document Service" will be initiated. Upon locating the respondent, the protection order will be served by the assigned officer. The officer will complete a supplement report indicating the date, time and location of service. The officer will also note in the report whether any firearms were seized during the service or, if not, whether the officer verified the respondent owns or has access to firearms. A return of service will be transmitted to the FCSO via facsimile. Pursuant to this same agreement, **all METERS/NCIC responsibilities relevant to protective orders will rest with the FCSO.** If the order is not served, it will be returned to the FCSO.

#### **.25 MVA OUTSTANDING ARREST WARRANT PROGRAM (OAW):**

1. In 2001, legislation was passed that allows the MVA to suspend the driving privilege and to flag the vehicle records of any individual with a valid Maryland Soundex number, who has outstanding charging documents. Based upon this legislation, the MVA has initiated the OAW, and has created procedures for law enforcement agencies (LEA) to transmit identifying data on wanted persons to the MVA via an Internet based program.
2. The Frederick Police Department (FPD) was a participating LEA in the OAW up until 2013. FPD no longer participates in the program. However, some unserved FPD warrants still contain OAW-related documents, and drivers may have an "LEA Suspension" through other participating agencies.

3. Sworn members of the Department may serve a charging document that has been entered into the OAW, or may conduct a traffic stop where the driver's Maryland Driver's License has been suspended with an "LEA Suspension." A "LEA Suspension" is a motor vehicle offense for which the officer will follow the policy written in [G.O. 218, "Arrests for Motor Vehicle Offenses."](#) Additionally, an "LEA Suspension" is an indicator that the individual has been entered into the OAW, because of an active charging document. Officers will follow all of the requirements of this order regarding the service of the charging document. **If a check through the MVA indicates that the driver has an "LEA Suspension," but there is no active charging document entered in the METERS database, the officer will not make an arrest or charge the driver for the "LEA Suspension," as this is an indication that the driver was not removed from the OAW database upon satisfying the charging document.**
4. When a charging document has been served on a subject who has been entered into the OAW database, it is imperative to have that subject removed as soon as possible, so that the MVA can lift its sanctions. When the Warrant Specialist receives a Notification of Service Form stamped "LEA Suspended," she will send an email, as soon as practical, to the Coordinator, who will remove the arrestee from the OAW database. The arresting officer will sign, date, and issue the pink *Statement of Compliance Warrant Release Form* to the arrestee. The arresting officer will instruct the arrestee that he is to utilize the *Statement of Compliance Warrant Release Form* as proof that he has satisfied the OAW warrant, and that he therefore has satisfied the "LEA Suspension."
5. If another police agency serves an FPD charging document that has been entered into the OAW database, the on-duty supervisor will fax a copy of the pink *Statement of Compliance Warrant Release Form* to that agency with the warrant. The supervisor will include a brief explanation of the form to the serving agency. The original *Statement of Compliance Warrant Release Form* will be turned in with the paperwork to the Records Section.

**.30 SUPERVISOR RESPONSIBILITY:**

1. A supervisor may assign court documents to members of his unit for attempted service.
2. The supervisor will ensure that the member to whom a court document has been assigned, pursuant to his duties, e.g., mobile patrol or foot patrol, attempts to accomplish service within a thirty (30)-day period, by the return date on a criminal summons, or by the hearing/trial date on a subpoena or Show Cause Order. He will ensure that the officer pursues this task promptly and tenaciously.
3. The supervisor will ensure that court documents remain in the file in the workroom, except when an officer is actively attempting to locate the defendant, so that access to these documents is possible at all times. The supervisor will ensure that all documents that are removed from the file are signed out.
4. The supervisor will provide the assigned officer proper assistance in utilizing those investigative resources existent in locating the defendant. The supervisor will review the report attached to each court document to verify that every reasonable effort has been made to apprehend the defendant.
5. The supervisor will ensure that METERS or METERS/NCIC entries on served warrants have been cleared.
6. As soon as possible after confirming a warrant or criminal summons has been served, the supervisor will change the status of the charging document to "served" in the I-LEADS warrant module and ensure that the Notification of Service Form is placed in the Warrant

Specialist's mailbox. When the Warrant Specialist is on-duty, the supervisor may contact the Warrant Specialist to change the status in I-LEADS.

**.35 ACTION ON INTELLIGENCE RELEATED TO COURT DOCUMENT SERVICE:**

1. Communications and other personnel who receive information about the current location of a person wanted by the Department will ensure that appropriate officers are dispatched to attempt to apprehend the fugitive. If the information indicates that the wanted person is outside of the Department's jurisdiction, the employee receiving the information will ensure that the police agency having jurisdiction is notified to attempt apprehension. The employee will also ensure that the on-duty Patrol supervisor is notified about the information so that he can conduct follow-up with the other agency concerning their efforts to locate.
2. Communications and other personnel who receive information about a person wanted by the Department other than the person's current whereabouts will ensure that the information is referred to the supervisor of the officer responsible for the issuance of the charging document.