



Herndon Police Department GENERAL ORDERS

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WARRANTS AND LEGAL PROCESS

I. PURPOSE

This policy establishes guidelines for processing, serving, and maintaining warrants in criminal and civil legal processes.

II. TERMINOLOGY

For purposes of this directive, the term “warrant” is used for simplicity and may represent various criminal or civil instruments of legal process, such as warrants, summonses, petitions, or orders, as authorized by law to enforce an arrest, search, or seizure.

III. AUTHORITY AND TYPES OF LEGAL PROCESS

A. Only sworn officers are authorized to serve legal process.

B. Criminal legal process includes:

1. Warrants, capias, and summonses under the authority of Virginia Code §19.2-76.
2. Search warrants under the authority of Virginia Code §19.2-56.
3. Juvenile petitions and detention orders under the authority of Virginia Code §16.1-260, 16.1-241.

C. Civil legal process includes:

1. Emergency Protective Order (Domestic) under the authority of Virginia Code §16.1-253.4.
2. Emergency Protective Order (Stalking and other Non-Domestic related violent crimes) under the authority of Virginia Code §19.2-152.8.
3. Preliminary Protective Order (Domestic) under the authority of Virginia Code §16.1-253.
4. Protective Order (Domestic) under the authority of Virginia Code §16.1-279.1.



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5. Temporary Detention Order under the authority of Virginia Code §37.2-810.
6. Emergency Custody Order under the authority of Virginia Code §37.2-808.
7. Emergency Substantial Risk Order under the authority of Virginia Code §19.2-152.13.
8. Emergency Child Removal Order under the authority of Virginia Code §16.1-251.

IV. PROCESSING AND MAINTAINING WARRANTS

A. The Communications Section will process and maintain original warrants initiated by officers or an outside jurisdiction by receiving, entering, modifying, verifying, recording, clearing, and cancelling the information in VCIN/NCIC and will monitor service attempts and service confirmations. All original warrants are kept in the Communications Section for 24-hour access.

B. Receipt

The following process shall be followed to indicate receipt of warrants:

1. All warrants received shall be stamped with the date of receipt by the communications technician prior to processing.
2. Upon receipt of a warrant to be served within the town, a communications technician shall determine if a case number has been assigned to the incident that will be used on all forms and paperwork associated with the warrant in the entry process.
3. If a previous case number does not exist, one shall be generated in the CAD system.
4. After a case number is identified or generated, the communications technician shall first check to determine if a recall notice from the court exists. All pending recalls can be found in the Recall of Process folder.
5. If a recall notice exists for a warrant, it shall be immediately returned to the court using a *Warrant Return* form (Form HP 605). The communications technician shall



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attach a copy of the applicable processing forms as documentation of the recall transaction and file the documents in the Recall of Process folder by applicable year in the warrant drawer.

C. Entry, Modification, and Verification in VCIN/NCIC

Warrants and wanted person notices shall be entered in VCIN/NCIC by communications technicians in accordance with VCIN/NCIC's established procedures. VCIN/NCIC manuals will be accessible in the Communications Section.

1. Supervisory approval is necessary prior to making a VCIN/NCIC entry. Such approval is granted by the supervisor signing the *VCIN/NCIC Request* form (HP 817).
2. All warrants shall be entered into VCIN/NCIC with warrants approved for extradition from all states contiguous to Virginia. Extradition for felony warrants beyond contiguous states of Virginia must be preauthorized by the Commonwealth's Attorney.
3. Upon entry of a warrant into VCIN/NCIC, the communications technician will attach all the terminal responses to the VCIN/NCIC retention card. The accuracy of VCIN/NCIC records must be double-checked by a second communications technician. This must include assuring that the available crosschecks such as descriptors, VIN, license numbers, etc. were made and data in VCIN/NCIC matches data in available resources. This may be done by requiring the investigating officer to check the record against the CCH, DMV return, RMS records or the officer's investigative report.
4. Checks must be performed through VCIN/NCIC to verify acceptance of the entry; then printed, initialed, and affixed to the VCIN/NCIC retention card. This action completes the secondary check of all VCIN/NCIC entries to minimize potential errors.
5. All warrant entries into VCIN/NCIC and associated documentation along with criminal history and driver's history documents must be placed in the warrant basket for review by the communications commander or designee before transferring to another jurisdiction for service.



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D. Recording

1. The obtaining officer of the warrant shall submit an incident or supplemental report to their supervisor indicating a VCIN/NCIC entry request was completed.
2. If the subject of the warrant resides in the Town of Herndon, the officer's report shall include any specific instructions regarding the service of the warrant.
3. Communications technicians will regularly complete system checks and record the results on a *Threat Assessment* form (HP 650) for criminal warrants initiated by an officer, received by mail, or sent from the court or another jurisdiction.
4. A copy of each warrant must be created by the processing communications technician and kept with the *Warrant Control* form (HP 608).
5. Communications technicians handling warrants shall submit a supplemental report to the existing case number or an incident report detailing the receipt, entry, and processing of warrants.
6. Following entry into VCIN/NCIC, the communications technician processing the warrant shall additionally enter the following information, and any other pertinent information, into the department's Records Management System (RMS) warrant module for each document received: **<74.1.1>**
 - a. date and time received,
 - b. type of legal process, civil or criminal,
 - c. nature of document,
 - d. source of document,
 - e. name of plaintiff/complainant or name of defendant/respondent,
 - f. officer assigned for service,
 - g. date of assignment,
 - h. case number, VCIN/NCIC number, and court docket number,
 - i. date service due.

E. Clearing and Cancelling

1. A communications technician must indicate that the warrant was served by clearing the entry from VCIN/NCIC as well as recording the name and/or EIN of the



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officer who executed service in the department's RMS and on the VCIN/NCIC retention card once the warrant has been removed. They shall also notify the obtaining officer of the service via email.

2. When the court notifies the department that a previously issued warrant has either been recalled or withdrawn, the communications technician receiving such notice will complete and forward a *Withdrawal of Authorization* form (HP 610 or HP 611) to the obtaining officer and ensure that the warrant is removed from VCIN/NCIC by cancelling as well as in the department's RMS. The communications technician shall mark "RECALLED" on the VCIN/NCIC retention card when removed. After receiving a *Withdrawal of Authorization* form, the obtaining officer shall complete such further documentation as needed.

F. Audits and Reviews

1. VCIN entries are validated monthly by generating a random selection of entries to be sent to the case officer for review and validation. The case officer has ten days to respond and validate the entry so that the record is not purged by the VCIN system. This requirement is pursuant to VCIN rules for audit purposes.
2. Monthly audits of the warrant file will be conducted by the communications commander or designee, utilizing the Virginia State Police hot files as a cross-reference. Similarly, monthly audits are made of the active warrant file.
3. Felony warrants that are over seven years old and misdemeanor warrants that are over three years old will be forwarded to the Commonwealth's Attorney for disposition and cancellation, pursuant to Virginia Code §19.2-76.1.

G. Active warrants will be maintained in the warrant file in Communications.

V. SERVICE OF WARRANTS

- A. Officers will attempt/complete service on outstanding warrants from the active warrant file in Communications. Squad supervisors shall assign service of outstanding warrants to avoid any undue delay in execution. It is the responsibility of the officer attempting to serve warrants to ensure that it is valid and properly executed as set forth under the provisions of Virginia Code §19.2-76.



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- B. The arresting officer will be responsible for obtaining and serving civil warrants in the course of duty unless there is a potential risk to the public or the police, as determined by the officer or from information contained in a threat assessment. Officers shall consult with their supervisor to evaluate the situation and determine a course of action. Further guidance on service of specific warrants is provided in the following directives: Domestic Violence, Encounters with Emotionally Disturbed Persons, Juvenile Investigations, and Emergency Substantial Risk Orders.
- C. Attempts to serve (releasable) misdemeanor warrants shall only be between the hours of 0600 and 2200, unless the officer otherwise encounters the subject in the course of duty. Misdemeanor warrants (non-releasable) may be served up to 0001 hours, if a supervisor authorizes service due to the defendant evading arrest, or delay of service may jeopardize public safety. Felony warrants are subject to service at any time.
- D. When an officer attempts warrant service, the following shall apply:
1. A completed *Threat Assessment* for each warrant must be reviewed/completed prior to attempting service.
 2. When attempting service, the officer must initiate a *Warrant Control* form (HP 608) for each case by completing the applicable sections of the form to indicate an attempt of service. The *Warrant Control* form will be left in the warrant basket and will document the status of service.
 3. When service is attempted but not accomplished, the officer must complete the applicable sections of the *Warrant Control* form for the case and re-attach it to the process document before placing it back into the active file. The *Warrant Control* form shall always remain in the Communications Section until service is accomplished.
- E. Upon service of a warrant, the arresting officer shall:
1. Check VCIN/NCIC to determine the existence of outstanding warrants,
 2. Direct the communications technician as soon as possible to remove the warrant from VCIN/NCIC with a completed *VCIN/NCIC Request* form; note completed



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service on the *Warrant Control* form for the case, and update the information in RMS,

3. Provide a copy of the served warrant if from another agency, and
 4. Document the service on an incident report or supplemental report, whichever is appropriate.
- F. The status of all warrants must be documented in an incident or supplemental report by the officer and submitted prior to the end of the shift to include the following:
1. date and time service executed/attempted,
 2. name of officer executing/attempting service,
 3. name of person on whom legal process was served/executed,
 4. method of service/reason for nonservice, and
 5. address of service/attempt.
- G. If the threat assessment contains information that suggests a subject is dangerous or likely to flee, the officer shall consult with their supervisor to evaluate the situation and determine a course of action that presents the least potential risk to the public and the police.
- H. A warrant that must be sent to another agency for service will include a letter and worksheet to be attached. The letter and worksheet will be attached to the *Warrant Control* form along with a copy of the warrant and retained in the Communications Section in the warrant drawer. The communications technician will consistently update the status and location of the warrant in RMS via the "tracking" function. Additionally, the communications technician must submit a supplemental report documenting any changes and shall send notification detailing service of a Herndon warrant to the officer responsible for the case.
- I. Upon return of an unserved warrant, a supplemental report will be completed by the communications technician indicating the receipt and disposition of the document. A copy of the supplemental report will be forwarded to the officer responsible for the case. The warrant will be placed in the inactive warrant file, located in the warrant drawer, along with the copies retained by Communications pending further information. A supplemental report and computer entry update must be made prior to the warrant being placed in the inactive warrant file.



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- J. An audit of the inactive warrant file will be conducted monthly by the assigned communications technician.
- K. Warrant Service Coordination with Outside Jurisdictions
1. When an outside agency has served a Herndon warrant, transportation responsibilities for the transfer of custody of the detainee will be coordinated with the Fairfax County Sheriff's Office. However, at times, due to proximity, Fairfax County Police Department or Loudoun County Sheriffs' Office may contact the department to facilitate the detainee's transfer of custody due to an active Herndon warrant.
 2. When officers serve an outside agency's warrant, the detainee will be transported to the Fairfax County detention facility. However, due to proximity, contact may be made with Fairfax County Police Department or Loudoun County Sheriffs' Office to facilitate the detainee's transfer of custody due to an active warrant originating from these agencies.
 3. Officers who physically transport a warrant to another Virginia jurisdiction for service shall coordinate the service with the law enforcement agency of that jurisdiction, in accordance with Virginia Code §19.2-76.
- L. Time Requirements for Execution of Warrants
1. Communications technicians shall follow up on all warrants sent to other jurisdictions. If no response has been received in 30 days, a communications technician will contact the jurisdiction to determine the status.
 2. Communications technicians shall follow up on all warrants placed in the warrant file for service. After 30 days, a communications technician shall review the documents to determine whether service can be accomplished. If service cannot be accomplished, the warrant shall be sent back to the originating agency with an explanation.