

PROCEDURE MANUAL

05-05



MICHIGAN STATE POLICE

Arrest Warrant Processing Procedures

Purpose: This manual provides guidance and procedures for handling warrants and injunctive orders.

Effective Date: April 19, 2022

Table of Contents

Arrest Warrant Processing Procedures

Section 1: Arrest Warrant Processing Procedures	1
1.1 Procedures Upon Receipt of a Warrant/Injunctive Order	1
1.2 Cancellation Procedure	4
1.3 Warrants Against Inmate	5
1.4 Warrants for Other State Departments	6

Definitions:

None

Section 1: Arrest Warrant Processing Procedures

1.1 Procedures Upon Receipt of a Warrant/Injunctive Order

- a. Department work units shall attempt to serve all criminal warrants
- b. Entry into LEIN

Valid warrants/injunctive orders shall be immediately entered into the LEIN system.

- i. Warrants

1. All available information shall be included on the LEIN warrant record, such as the subject's physical description, operator's license number, and social security number. If only limited information is available, the warrant shall still be entered into LEIN. The LEIN record shall be immediately updated when further information is obtained.

2. Pick-Up Radius

- a) Felony Warrants

All felony warrants shall indicate a "statewide" pick-up radius on the LEIN record.

- b) Misdemeanor Warrants

Misdemeanor warrants for the following offenses shall indicate a "statewide" pick-up radius on the LEIN record:

- 1) Operating Under the Influence of Intoxicating Liquor or a Controlled Substance.
- 2) All crimes against persons (including domestic violence).
- 3) Bench warrants resulting from any of the above crimes.

All other misdemeanor and traffic warrants shall indicate a pick-up radius of no less than 25 miles on the LEIN record.

c) Bond

The bond amount determined by the issuing magistrate shall be entered in the appropriate field.

ii. Injunctive Order

1. Members entering injunctive orders into LEIN shall ensure that:

- a) The post, unit, or department requesting entry of the injunctive order into LEIN has a true copy of the injunctive order in its possession.
- b) The period of time for which the order is valid is stated on the injunctive order.
- c) The injunctive order says on its face that a violation of its terms, subjects the person to criminal contempt of court charges.

iii. Posts/units with LEIN terminals shall proceed as follows:

1. When a warrant/injunctive order is received from the court:

- a) A Warrant/Vehicle Worksheet may be completed.
- b) The warrant/injunctive order shall be immediately entered into LEIN.
- c) A member entering a warrant into LEIN that results from a Commercial Vehicle Citation, MC-008, shall ensure that the driver is the defendant on the citation.
 - 1) If the carrier or owner is listed as the defendant on the citation, a warrant should not have been obtained and shall not be entered into LEIN. If the carrier or owner is the defendant, the warrant shall be returned to the motor carrier officer issuing the citation to seek a corporate summons for the responsible party.
- d) When the required information has been entered into the LEIN system, the LEIN printout that verifies the warrant/injunctive order has been entered and indicates the assigned System Identification Number (SYSIDNO) shall be stapled to the warrant/injunctive order and placed in an envelope with the subject's name neatly printed across the top as follows: last name, first name, and middle initial, in that order.

2. When a warrant/injunctive order entry request is received from another post, unit, or department:

- a) The warrant/injunctive order shall be immediately entered into LEIN.
- b) If the warrant/injunctive order will be retained in the post or unit warrant file, the warrant/injunctive order and LEIN printout, which verifies the warrant/injunctive order has been entered and indicates the assigned system identification number (SYSIDNO), shall be placed in an envelope.

- 1) The subject's name shall be printed neatly across the top of the envelope as follows: last name, first name, and middle initial, in that order, along with the name of the originating post, unit, or department. The post, unit, or department submitting the warrant/injunctive order shall be immediately advised of the assigned SYSIDNO.
 - c) If the warrant/injunctive order is being retained by the originating post, unit, or department, the originating post, unit, or department shall be immediately advised of the SYSIDNO when the warrant/injunctive order has been entered.
- iv. Post, units, and departments without LEIN terminals shall proceed as follows:
1. An original and one copy of the Warrant/Vehicle Worksheet shall be completed when the warrant/injunctive order is received.
 2. Another post, unit, or department using the originating post's LEIN terminal/workstation must use its own ORI on the warrant worksheet and entry.
 3. The original copy of the Warrant/Vehicle Worksheet, and the warrant/injunctive order, when permitted by directive on warrant retention, shall be forwarded to the jurisdictional terminal assigned to provide LEIN service.
 4. If being retained locally, department work units shall staple the warrant/injunctive order and worksheet together and place them in an envelope with the subject's name neatly printed across the top; last name, first name, and middle initial, in that order. When the warrant/injunctive order has been entered in LEIN, the SYSIDNO received from the entering jurisdiction shall be recorded on the outside of the envelope.
- c. Filing Warrants/Injunctive Orders and Warrant/Vehicle Worksheets
- i. Posts or units holding warrants/injunctive orders shall maintain one warrant/injunctive order file containing all warrants/injunctive orders. The envelopes containing the warrant/injunctive order and SYSIDNO shall be filed alphabetically by last name.
 - ii. A department work unit that forwards warrants/injunctive orders to another agency for LEIN entry shall maintain a warrant/injunctive order worksheet file. The envelopes containing the Warrant/Vehicle Worksheet and SYSIDNO shall be filed alphabetically by last name.
 - iii. The method of folding these documents prior to filing will depend primarily on the type of filing cabinet available at the post. If small, envelope-size cabinets are not available, an 8 1/2 x 11" file drawer may be used.
 - iv. Individual alphabetical files may be broken down into smaller units if the volume of warrants/injunctive orders becomes too large for easy handling.
 - v. Warrants/injunctive orders shall not be placed in the warrant/injunctive order file until the information has been entered into the LEIN system.

- d. Traffic and criminal warrants shall not be forwarded to another post, unit, or department for service except in unusual circumstances and as provided in directives on warrant retention.
 - i. If the location of the wanted person is known and the post or unit will call for the subject if apprehended, the post or unit handling the warrant shall advise the appropriate post via radio, telephone, LEIN, or supplementary report of the outstanding warrant and other related information.
 - ii. The originating post or unit shall call for the wanted subject in the event a bond cannot be posted, or the subject is not released on personal recognizance.
- e. An incident report shall be submitted by the originating post or unit for each warrant/injunctive order entered into the LEIN and/or NCIC system with the exception of traffic warrants, bench warrants originating from a traffic violation, bench warrants originating from simple misdemeanors, and warrants/injunctive orders entered for other agencies. When the necessary information on an injunctive order has been entered into LEIN, the incident report may be closed.

1.2 Cancellation Procedure

- a. Warrants
 - i. It is the originating jurisdiction's responsibility to immediately cancel or cause to be cancelled if the warrant is held by another post, unit or department, a warrant that has been served or recalled.
 - ii. Warrants shall be canceled in the LEIN system immediately by the entering post or designee in the following cases:
 - 1. A subject has been arrested on a warrant entered by that post or unit.
 - 2. It is learned and confirmed that the wanted subject has been released on bond or personal recognizance.
 - 3. It is learned and confirmed that the person wanted on a warrant has appeared in court voluntarily. Authorities from the Criminal Justice Information Center (CJIC) and the State Court Administrative Office have developed the following two-step procedure for recalling warrants in such a case:
 - a) The court will notify the department to which the warrant was delivered for service by telephone.
 - b) The court will follow up by completing and delivering two copies (pink and goldenrod) of its Warrant Recall Form, MC-220, to the responsible department.
 - iii. Upon cancellation of the warrant, the disposition procedure outlined below shall be followed:
 - 1. Warrants received from the court shall be returned to the court. Warrants received from other posts, units, or departments shall be returned to the originating department.

2. When the subject has appeared in court voluntarily, the post or unit shall acknowledge receipt of the warrant recall form from the court by signing the form and indicating the date and time.
 - a) One copy of the form shall be returned to the court, and another shall be retained with the master incident report if an incident report has been completed.
 - b) If the form is a carbonized form using colored paper, members shall distribute the forms as shown on its instructions.
 3. After canceling a warrant for a post, unit, or department without a terminal, the terminal post or unit shall immediately verify the cancellation by phone or radio and forward a printout of the cancellation to the originating agency, if so desired by the originating agency.
- b. Injunctive Orders
- i. Injunctive orders shall remain in LEIN for the time period indicated on the face of the order unless recalled by the court. An injunctive order record in LEIN shall not be canceled if a person is arrested for a violation of the order.
 - ii. Only the originating jurisdiction may cancel or cause to be cancelled if the injunctive order is held by another post, unit, or department, an injunctive order which has been entered into LEIN and/or the NCIC system.
 - iii. Injunctive orders entered into LEIN will be automatically purged on the expiration date. The LEIN will generate a notification to the agency when the record is removed.
 - iv. Non-expiring injunctive orders require manual cancellation by the originating agency or by the entering agency if the injunctive order is held by another post, unit, or department.
 - v. Upon automatic or manual cancellation of an injunctive order, the following procedures shall be used:
 1. Each month, both terminal and non-terminal posts shall file the true copy of the injunctive order and proof of service with the closed incident report in the isolated master file.
 2. After an injunctive order is canceled for a non-terminal post, unit, or department, the terminal post shall immediately notify the originating post, unit, or department by radio or telephone that the injunctive order has been canceled. The true copy of the injunctive order and proof of service or bond conditional release order shall be forwarded to the originating post, unit, or department.

1.3 Warrants Against Inmate

- a. When a warrant has been obtained by a member for an inmate of a penal institution, the warrant shall be entered in LEIN pending the inmate's arrest and arraignment on the charges.

- i. Copies of the warrant shall be left with the prosecuting attorney to obtain the necessary writs.
 - ii. In addition, the Department of Corrections shall be notified by means of a LEIN administrative message that felony charges are pending against an inmate.
 - iii. The prosecuting attorney and sheriff of the county from which the warrant originated are responsible for making the arrangements for the return of the prisoner, as well as any transportation to facilitate their subsequent court appearance.
- b. The Department of Corrections may be notified when an inmate is considered a suspect in an active felony investigation.
 - i. Notification to the Department of Corrections may be made through use of a LEIN administrative message.
 - ii. This notification will prompt Department of Corrections personnel to contact the investigating enforcement member for updates on the status of an investigation. Notification will remain in the inmate's file for 180 days unless an extension is requested by the investigator.
 - iii. The Department of Corrections will contact the investigator involved to inform them of a change in the inmate's status, such as eligibility for parole, residential placement, camp placement, parole release, or discharge.
 - iv. Notification of a pending criminal investigation is placed in the inmate's file and is subject to disclosure through the Freedom of Information Act. Michigan also permits inmates access to their file when under consideration for parole.

1.4 Warrants for Other State Departments

- a. Enforcement members of other state departments will conduct the preliminary investigation and complete the case, including contacting the prosecutor, up to the point of securing the warrant, ensuring entry of the warrant into LEIN.
- b. The enforcement members of other state department will then contact the state police post of venue for service of the warrant and processing of the individual arrested. In most cases, arrangements will have been made with the suspect to voluntarily surrender.
- c. The post shall carry the arrest and process the suspect. The enforcement members from the other state department will conduct any follow-up investigation that is required and serve any resulting subpoenas.
- d. If a warrant cannot be immediately served and arrangements cannot be made for the suspect to appear at the post, the post of venue or designated regional dispatch center shall enter the warrant into LEIN.
 - i. Worksites shall ensure that all available information is included in the LEIN warrant entry for warrants entered into LEIN as court entered/paperless warrants.

Review Responsibility: Field Operations Bureau; Criminal Justice Information Center

Accreditation Standards: CALEA