



OPERATIONAL MANUAL

OPS - 407 – SERVICE OF WARRANTS

Amends/Supersedes: OPS-407 (08/14/2019)

Date of Issue: 09/09/2024

I. POLICY

- A. The Newport News Police Department maintains accurate warrant information in files and appropriate databases. The Department Records Unit has established a dedicated unit, the VCIN Unit, responsible for ensuring information is current and accurate and assisting officers with 24/7 warrant service support. Specific VCIN Unit members are assigned to the Warrant Unit, which is responsible for processing and maintaining warrants obtained by department personnel, warrants issued with a non-expired emergency protection order and warrants for subjects already in custody. [74.1.3(g)]
- B. [§19.2-80](#) of the Code of Virginia requires that if an officer does not issue a summons pursuant to [§19.2-74](#) or [§46.2-936](#), the officer making an arrest under a warrant or capias shall bring the arrested person without unnecessary delay before a judicial officer.
- C. Arrest warrants will only be executed by sworn personnel. [74.3.2]
- D. Procedures for warrantless arrests, including the issuance of summonses, are in [OPS-405 Arrest Procedures](#).
- E. [OPS-480 Search Warrants](#) contains procedures for obtaining a search warrant for a subject with an outstanding warrant ([§19.2-53](#)).
- F. Officers shall not receive, solicit, or accept any fee or other compensation for executing a criminal process other than the salary or expense reimbursement paid by the City.

II. PROCEDURES

- A. The department has established priority designations for arrest warrant service.
 - 1. A Priority I designation is the highest priority. The following types of warrants should receive attempts for service as soon as possible:
 - a. All felony classes and class 1 and class 2 misdemeanor warrants of a violent nature where imminent danger to the victim or others is present;
 - b. Any warrants issued by the Magistrate, who at that time, believes that a threat of violence is still imminent, and where the service of the warrant would end the conflict or prevent it from accelerating;
 - c. Warrants issued by the on-duty Magistrate requesting immediate service. The Magistrate will notify the VCIN Unit that the warrant needs to be served. The VCIN Unit personnel will contact the Communications Division to have them notify an officer working in the area of the address specified on the warrant. It is the responsibility of the assigned officer to make an immediate attempt of service on this request. Any delay in service will require the authority of the on-duty field supervisor.
 - 2. A Priority II designation indicates all other types of warrants, which may be processed through normal procedures when there is no imminent threat to the safety of those involved in the incident.
- B. Execution of Warrants
 - 1. While making an arrest based on the execution of any warrant or other legal service:
 - a. It is mandatory to verify that the person named in the legal document is the person being detained, including (but not limited to):



- 1) Pictorial identification;
 - 2) Driver's license;
 - 3) Identification by social security number; or
 - 4) Fingerprints before arrest are used to compare to known fingerprints of the person named in the arresting document.
2. If the identity of the suspect being detained is questionable or cannot be determined via the prior means, a supervisor should be consulted before any arrest is made.
 3. A police officer may enter a residence, house, apartment or motel room without the need of an arrest warrant or copy thereof "in hand" to affect an arrest as long as the officer has verified:
 - a. The existence of a warrant for the suspect and its location physically "in hand" by the Magistrate of the City of Newport News or an employee of the Newport News Police Department.;
 - b. The residence to be entered is the same address recorded on the arrest warrant;
 - c. The officer can positively identify the suspect and
 - d. The officer has reason to believe the suspect is inside.
 4. For Fourth Amendment purposes, an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which a suspect lives when there is reason to believe that the suspect is within (Payton v. New York, 445 U.S. 573, 603 (1980)). This rule applies to misdemeanor warrants as well as felonies (United States v. Spencer, 684 F. 2d 220, 222-24 (2d Cir. 1982; Archer v. Commonwealth, 24 Va. App. 1,3 (1997)).
- C. Inquiry and Service of Outstanding Warrants
1. Officers shall contact the VCIN Unit personnel regarding inquiries on outstanding warrants regardless of how the request is made.
 2. If an inquiry is made and a warrant is found to be outstanding for an individual, officers will not take enforcement action until VCIN Unit personnel confirm that the warrant is physically in hand and the information on the warrant matches the person the officer is inquiring about.
 3. [§19.2-81](#) of the Code of Virginia allows officers to arrest a misdemeanor suspect who committed the violation outside the officer's presence without a warrant or capias in hand if the officer has received a radio message from a Virginia law enforcement agency that the warrant or capias for the offense is on file. This also applies to felony warrants on file (see also Section I. F.).
 4. Only Records and Fugitive Apprehension Unit personnel are authorized to enter and remove any legal process from its file location. Any warrant removed from the Record Unit files will be signed out in the Warrant Sign-Out Log located in Records, indicating the officer to whom the warrant was assigned. [74.1.2(b)]
- D. Process Paperwork
1. The officer shall provide the arrestee with a copy of all criminal warrants except as provided in [§46.2-936](#) of the Code of Virginia.
 2. Officers executing a warrant shall indicate the execution date and forward it to the court to which the summons is returnable (i.e., the indicated area in booking).
 3. Officers will ensure the Warrant Unit receives a copy of any executed warrant (i.e., the indicated area in the booking).
- NOTE:** In cases where a Police Aide relays a warrant to the booking area, they will ensure that the arrest information is relayed to an officer or Records personnel.
4. Warrant Service Tracking Sheet (NNPD Form #64)
 - a. Officers must complete the Warrant Service Tracking Sheet (NNPD Form #64) attached to the warrant each time they attempt to serve it.



- b. When officers serve or attempt to serve a criminal process, warrant, or capias, they will complete the attached Warrant Service Tracking Sheet (NNPD Form #64), ensuring that the following information is recorded: [74.1.2]
 - 1) The date and time that service was attempted/made;
 - 2) The name of the attempting/serving officer;
 - 3) The name of the person on whom the service was attempted/made;
 - 4) The results of the service, or the reason why service was not made; and
 - 5) The address or location where service was attempted/made.
- c. The Warrant Tracking Sheet must be returned to the VCIN Unit when the warrant is served (including tracking sheets attached to PB-15s and capias). [74.1.2 (a,b,c,d,e)]
- 5. Officers serving a warrant that another officer/detective has obtained shall first ensure that the Records Personnel member handling warrants has notified the appropriate officer/detective or the on-call detective from the corresponding unit. This shall occur before warrant service and will occur prior to transporting the arrestee to the Newport News City Jail. The primary responsibility for ensuring that the appropriate officer/detective is notified falls to the officer serving the warrant, who shall complete NNPD Form #65 Warrant Notification.
- 6. An officer who has a warrant signed out to them and has been unable to serve the warrant before the end of their tour of duty shall:
 - a. Physically return the warrant to the VCIN Unit and sign it back in on the "Warrant Sign-Out Log" or
 - b. Turn in the unserved warrant to the on-coming duty supervisor. That supervisor will either re-assign the warrant to an on-duty officer for service or ensure the warrant is returned to the VCIN Unit. The supervisor will contact the VCIN Unit by telephone to advise them of the warrant's status, and the VCIN Unit personnel taking the telephone call will make the appropriate entry in the "Warrant Sign-Out Log."
- 7. Faxing warrants to other departments is limited to members of the Fugitive Apprehension Unit as needed in their day-to-day activities and Records personnel. If an officer requests attempted service, Records personnel will fax a copy of the warrant stamped "COPY – DETAINER ONLY."
 - a. Upon receiving the disposition of a faxed warrant copy, personnel will complete a Fax Warrant Cover Sheet ([NNPD Form #63](#)), update the computer entry, and place the original warrant in the "fax drawer."
 - b. Access to the area where warrants are maintained is limited to personnel assigned to the Records Section and Fugitive Apprehension Unit. All warrants removed from the Records Section must be signed out in the provided log.
- 8. Warrants coming from the Magistrate's Office (including the Video Magistrate System) for service must be processed/logged by the VCIN Unit personnel before service. [74.1.2(a,b,c,d,e)]

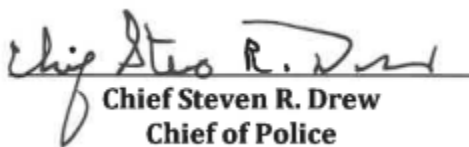
NOTE: Once a warrant is entered into the eMagistrate system by the Magistrate, it must be acknowledged and entered into NCIC within 72 hours. If no service was obtained on the warrant, the officer will return it to the VCIN Unit.

E. Warrant Cancellation

- 1. An arrest warrant or detention order may be canceled if: [74.1.3(f)]
 - a. It was obtained for the wrong subject.
 - b. If the victim is a business/company and they are no longer in business or the complainant no longer works for the business/company.
 - c. The Commonwealth's Attorney declines to prosecute.



- d. The subject or victim is deceased.
 - e. The victim's location is unknown and cannot be contacted.
 - f. It is withdrawn by the court or judge.
2. If an officer needs to cancel a warrant, they will draft a letter to the Commonwealth's Attorney's Office identifying the subject, victim, date of offense and reason to request the cancelation. The officer will take the letter to the VCIN Unit, which will process the request per their procedures and provide further instructions to the officer as needed.
- F. Fugitive Apprehension Unit (FAU)
- 1. The department's FAU handles extraditions and the out-of-state service of Governor's Warrants.
 - 2. The FAU may also assist case agents with serving a warrant. Case agents must first obtain approval from their supervisor to request FAU assistants. Requests are submitted via the [FAU Investigative Assignment](#) form in the NNVA Hub. The FAU supervisor will evaluate requests and make recommendations to the FAU chain of command.
- G. Failure to Report for Scheduled Active Duty Training - Virginia National Guard Warrants
- The Virginia National Guard is authorized under [§44-41.1](#) of the Code of Virginia to issue an arrest warrant against an active member of the Virginia National Guard who violates valid orders by failing to initially report for annual active duty training (summer camp) or having initially reported, absents themselves from their unit without leave.
- 1. The department will serve warrants charging the accused with "Failing to Report for Scheduled Active Duty Training" within its jurisdiction. This process is issued by the officer of the Virginia National Guard authorized to convene a summary court-martial.
 - 2. Any such person arrested by the department will be taken before the Magistrate on duty.
 - 3. The officer who made the arrest will notify the National Guard officer or Unit Commander of the issuing authority and advise them where the accused can be picked up. No arrest card or booking procedure is required on this type of warrant.


Chief Steven R. Drew
Chief of Police